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Sub. H. B. No. 228

Representatives Johnson, LaTourette

Cosponsors: Representatives Conditt, Schuring, Pelanda, Patton, McColley, Antani, Becker, Brenner, Brinkman, Carfagna, Dean, Duffey, Ginter, Goodman, Green, Henne, Hill, Hood, Householder, Huffman, Keller, Koehler, Lipps, Merrin, Riedel, Roegner, Romanchuk, Schaffer, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Retherford

A BILL

To amend sections 9.68, 307.932, 2307.601, 2901.05, 1
2901.09, 2923.11, 2923.12, 2923.126, 2923.16, 2
2923.18, 2923.20, 2953.37, 5321.01, and 5321.13 3
and to repeal section 2923.1212 of the Revised 4
Code to modify the state preemption of local 5
firearm regulations and related remedies; to 6
assign to the prosecution the burden of 7
disproving a self-defense or related claim; to 8
expand the locations at which a person has no 9
duty to retreat before using force under both 10
civil and criminal law; to limit the use of the 11
affirmative defense of self-defense, defense of 12
another, or defense of a person's residence 13
under both civil and criminal law; to modify the 14
Concealed Handgun Licensing Law regarding the 15
carrying of additional identification and a 16
licensee's duty to keep the licensee's hands in 17
plain sight; to modify penalties for illegally 18
carrying a concealed firearm or improperly 19
handling firearms in a motor vehicle; to expand 20

the offense and penalties for unlawful 21
transactions in weapons; to repeal the required 22
posting of warning signs regarding the 23
possession of weapons on specified premises; to 24
provide an affirmative defense to improperly 25
handling firearms in a motor vehicle for 26
handguns in the vehicle without the defendant's 27
knowledge; to generally bar any subsidized 28
residential premises lease from requiring a 29
tenant to agree to a restriction on a lawful 30
firearm, a firearm component, or ammunition 31
within the tenant's rental dwelling unit; and to 32
exclude certain firearms from the definitions of 33
sawed-off firearm and dangerous ordnance. 34

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.68, 307.932, 2307.601, 2901.05, 35
2901.09, 2923.11, 2923.12, 2923.126, 2923.16, 2923.18, 2923.20, 36
2953.37, 5321.01, and 5321.13 of the Revised Code be amended to 37
read as follows: 38

Sec. 9.68. (A) The individual right to keep and bear arms, 39
being a fundamental individual right that predates the United 40
States Constitution and Ohio Constitution, and being a 41
constitutionally protected right in every part of Ohio, the 42
general assembly finds the need to provide uniform laws 43
throughout the state regulating the ownership, possession, 44
purchase, other acquisition, transport, storage, carrying, sale, 45
~~or other transfer, manufacture, taxation, keeping, and reporting~~ 46
of loss or theft of firearms, their components, and their 47

ammunition. The general assembly also finds and declares that it 48
is proper for law-abiding people to protect themselves, their 49
families, and others from intruders and attackers without fear 50
of prosecution or civil action for acting in defense of 51
themselves or others. Except as specifically provided by the 52
United States Constitution, Ohio Constitution, state law, or 53
federal law, a person, without further license, permission, 54
restriction, delay, or process, including by any ordinance, 55
rule, regulation, resolution, practice, or other action or any 56
threat of citation, prosecution, or other legal process, may 57
own, possess, purchase, sell, ~~transfer~~ acquire, transport, 58
store, carry, sell, transfer, manufacture, or keep any firearm, 59
part of a firearm, its components, and its ammunition. Any such 60
further license, permission, restriction, delay, or process 61
interferes with the fundamental individual right described in 62
this division and unduly inhibits law-abiding people from 63
protecting themselves, their families, and others from intruders 64
and attackers and from other legitimate uses of constitutionally 65
protected firearms, including hunting and sporting activities, 66
and the state by this section preempts, supersedes, and declares 67
null and void any such further license, permission, restriction, 68
delay, or process. 69

(B) A person, group, or entity adversely affected by any 70
manner of ordinance, rule, regulation, resolution, practice, or 71
other action enacted or enforced by a political subdivision in 72
conflict with division (A) of this section may bring a civil 73
action against the political subdivision seeking damages from 74
the political subdivision, declaratory relief, injunctive 75
relief, or a combination of those remedies. Any damages awarded 76
shall be awarded against, and paid by, the political 77
subdivision. In addition to any actual damages awarded against 78

the political subdivision and other relief provided with respect 79
to such an action, the court shall award ~~costs and~~ reasonable 80
~~attorney fees expenses~~ to any person, group, or entity that 81
brings the action, to be paid by the political subdivision, if 82
either of the following applies: 83

(1) The person, group, or entity prevails in a challenge 84
to ~~an the~~ ordinance, rule, ~~or~~ regulation, resolution, practice, 85
or action as being in conflict with division (A) of this 86
section. 87

(2) The ordinance, rule, regulation, resolution, practice, 88
or action or the manner of its enforcement is repealed or 89
rescinded after the civil action was filed but prior to a final 90
court determination of the action. 91

(C) As used in this section: 92

(1) The possession, transporting, or carrying of firearms, 93
their components, or their ammunition include, but are not 94
limited to, the possession, transporting, or carrying, openly or 95
concealed on a person's person or concealed ready at hand, of 96
firearms, their components, or their ammunition. 97

(2) "Firearm" has the same meaning as in section 2923.11 98
of the Revised Code. 99

(3) "Person, group, or entity adversely affected" means 100
any of the following: 101

(a) A person who has standing under the law of this state 102
to bring a civil action under division (B) of this section; 103

(b) A resident of this state who may legally possess a 104
firearm under the law of this state and the United States; 105

(c) A membership organization, group, or entity, the 106

<u>members of which include one or more persons described in</u>	107
<u>division (C) (3) (a) or (b) of this section.</u>	108
<u>(4) "Reasonable expenses" include, but are not limited to,</u>	109
<u>reasonable attorney's fees, court costs, expert witness fees,</u>	110
<u>and compensation for loss of income.</u>	111
(D) This section does not apply to either of the	112
following:	113
(1) A zoning ordinance that regulates or prohibits the	114
commercial sale of firearms, firearm components, or ammunition	115
for firearms in areas zoned for residential or agricultural	116
uses;	117
(2) A zoning ordinance that specifies the hours of	118
operation or the geographic areas where the commercial sale of	119
firearms, firearm components, or ammunition for firearms may	120
occur, provided that the zoning ordinance is consistent with	121
zoning ordinances for other retail establishments in the same	122
geographic area and does not result in a de facto prohibition of	123
the commercial sale of firearms, firearm components, or	124
ammunition for firearms in areas zoned for commercial, retail,	125
or industrial uses.	126
Sec. 307.932. (A) As used in this section:	127
(1) "Division of parole and community services" means the	128
division of parole and community services of the department of	129
rehabilitation and correction.	130
(2) "Eligible offender" means, in relation to a particular	131
community alternative sentencing center or district community	132
alternative sentencing center established and operated under	133
this section, an offender who has been convicted of or pleaded	134
guilty to a qualifying misdemeanor offense, for whom no	135

provision of the Revised Code or ordinance of a municipal 136
corporation other than section 4511.19 of the Revised Code, both 137
sections 4510.14 and 4511.19 of the Revised Code, or an 138
ordinance or ordinances of a municipal corporation that provide 139
the penalties for a municipal OVI offense or for both a 140
municipal OVI ordinance and a municipal DUS ordinance of the 141
municipal corporation requires the imposition of a mandatory 142
jail term for that qualifying misdemeanor offense, and who is 143
eligible to be sentenced directly to that center and admitted to 144
it under rules adopted under division (G) of this section by the 145
board of county commissioners, affiliated group of boards of 146
county commissioners, or municipal corporation that established 147
and operates that center. 148

(3) "Municipal OVI offense" has the same meaning as in 149
section 4511.181 of the Revised Code. 150

(4) "OVI term of confinement" means a term of confinement 151
imposed for a violation of section 4511.19 of the Revised Code 152
or for a municipal OVI offense, including any mandatory jail 153
term or mandatory term of local incarceration imposed for that 154
violation or offense. 155

(5) "Community residential sanction" means a community 156
residential sanction imposed under section 2929.26 of the 157
Revised Code for a misdemeanor violation of a section of the 158
Revised Code or a term of confinement imposed for a misdemeanor 159
violation of a municipal ordinance that is not a jail term. 160

(6) "Qualifying misdemeanor offense" means a violation of 161
any section of the Revised Code that is a misdemeanor or a 162
violation of any ordinance of a municipal corporation located in 163
the county that is a misdemeanor. 164

(7) "Municipal DUS offense" means a violation of a 165
municipal ordinance that is substantially equivalent to section 166
4510.14 of the Revised Code. 167

(B) (1) The board of county commissioners of any county, in 168
consultation with the sheriff of the county, may establish a 169
community alternative sentencing center that, upon 170
implementation by the county or being subcontracted to or 171
operated by a nonprofit organization, shall be used for the 172
confinement of eligible offenders sentenced directly to the 173
center by a court located in any county pursuant to a community 174
residential sanction of not more than ninety days or pursuant to 175
an OVI term of confinement of not more than ninety days, and for 176
the purpose of closely monitoring those eligible offenders' 177
adjustment to community supervision. A board that establishes a 178
center pursuant to this division shall do so by resolution. 179

(2) The boards of county commissioners of two or more 180
adjoining or neighboring counties, in consultation with the 181
sheriffs of each of those counties, may affiliate and establish 182
by resolution adopted by each of them a district community 183
alternative sentencing center that, upon implementation by the 184
counties or being subcontracted to or operated by a nonprofit 185
organization, shall be used for the confinement of eligible 186
offenders sentenced directly to the center by a court located in 187
any county pursuant to a community residential sanction of not 188
more than ninety days or pursuant to an OVI term of confinement 189
of not more than ninety days, and for the purpose of closely 190
monitoring those eligible offenders' adjustment to community 191
supervision. Each board that affiliates with one or more other 192
boards to establish a center pursuant to this division shall do 193
so by resolution. 194

(3) A municipal corporation may establish a community 195
alternative sentencing center that, upon implementation by the 196
municipal corporation or being subcontracted to or operated by a 197
nonprofit organization, shall be used for the confinement of 198
eligible offenders sentenced directly to the center by a court 199
located in any county pursuant to a community residential 200
sanction of not more than ninety days or pursuant to an OVI term 201
of confinement of not more than ninety days, and for the purpose 202
of closely monitoring those eligible offenders' adjustment to 203
community supervision. A municipal corporation that establishes 204
a center pursuant to this division shall do so by resolution. 205

(C) Each resolution establishing a community alternative 206
sentencing center or a district community alternative sentencing 207
center under division (B) of this section shall include 208
provisions for operation of the center and for criteria to 209
define which offenders are eligible to be sentenced directly to 210
the center and admitted to it. At a minimum, the criteria that 211
define which offenders are eligible to be sentenced directly to 212
the center and admitted to it shall provide that an offender is 213
eligible to be sentenced directly to the center and admitted to 214
it if the offender has been convicted of or pleaded guilty to a 215
qualifying misdemeanor offense and is sentenced directly to the 216
center for the qualifying misdemeanor offense pursuant to a 217
community residential sanction of not more than ninety days or 218
pursuant to an OVI term of confinement of not more than ninety 219
days by a court that is located in any county. 220

(D) If a community alternative sentencing center or a 221
district community alternative sentencing center that is 222
established under division (B) of this section contemplates the 223
use of an existing facility, or a part of an existing facility, 224
as the center, nothing in this section limits, restricts, or 225

precludes the use of the facility, the part of the facility, or 226
any other part of the facility for any purpose other than as a 227
community alternative sentencing center or district community 228
alternative sentencing center. 229

(E) If a board of county commissioners, an affiliated 230
group of boards of county commissioners, or municipal 231
corporation establishes and operates or subcontracts with a 232
nonprofit organization for the operation of a community 233
alternative sentencing center or district community alternative 234
sentencing center under this division, except as otherwise 235
provided in this division, the center is not a minimum security 236
jail under section 341.14, section 753.21, or any other 237
provision of the Revised Code, is not a jail or alternative 238
residential facility as defined in section 2929.01 of the 239
Revised Code, is not required to satisfy or comply with minimum 240
standards for minimum security jails or other jails that are 241
promulgated under division (A) of section 5120.10 of the Revised 242
Code, is not a local detention facility as defined in section 243
2929.36 of the Revised Code, and is not a residential unit as 244
defined in section 2950.01 of the Revised Code. The center is a 245
detention facility as defined in sections 2921.01 and 2923.124 246
of the Revised Code, and an eligible offender confined in the 247
center is under detention as defined in section 2921.01 of the 248
Revised Code. Regarding persons sentenced directly to the center 249
under an OVI term of confinement or under both an OVI term of 250
confinement and confinement for a violation of section 4510.14 251
of the Revised Code or a municipal DUS offense, the center shall 252
be considered a "jail" or "local correctional facility" for 253
purposes of any provision in section 4510.14 or 4511.19 of the 254
Revised Code or in an ordinance of a municipal corporation that 255
requires a mandatory jail term or mandatory term of local 256

incarceration for the violation of section 4511.19 of the Revised Code, the violation of both ~~section~~ sections 4510.14 and 4511.19 of the Revised Code, the municipal OVI offense, or the municipal OVI offense and the municipal DUS offense, and a direct sentence of a person to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense shall be considered to be a sentence to a "jail" or "local correctional facility" for purposes of any such provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation.

(F) (1) If the board of county commissioners of a county that is being served by a community alternative sentencing center established pursuant to this section determines that it no longer wants to be served by the center, the board may dissolve the center by adopting a resolution evidencing the determination to dissolve the center.

(2) If the boards of county commissioners of all of the counties served by any district community alternative sentencing center established pursuant to this section determine that they no longer want to be served by the center, the boards may dissolve the center by adopting in each county a resolution evidencing the determination to dissolve the center.

(3) If at least one, but not all, of the boards of county commissioners of the counties being served by any district community alternative sentencing center established pursuant to this section determines that it no longer wants to be served by the center, the board may terminate its involvement with the center by adopting a resolution evidencing the determination to terminate its involvement with the center. If at least one, but

not all, of the boards of county commissioners of the counties 287
being served by any community alternative sentencing center 288
terminates its involvement with the center in accordance with 289
this division, the other boards of county commissioners of the 290
counties being served by the center may continue to be served by 291
the center. 292

(4) If a municipal corporation that is being served by a 293
community alternative sentencing center established pursuant to 294
this section determines that it no longer wants to be served by 295
the center, the municipal corporation may dissolve the center by 296
adopting a resolution evidencing the determination to dissolve 297
the center. 298

(G) Prior to operating a community alternative sentencing 299
center or a district community alternative sentencing center, 300
the board of county commissioners, the affiliated group of 301
boards of county commissioners, or municipal corporation that 302
established the center shall adopt rules for the operation of 303
the center. The rules shall include criteria that define which 304
offenders are eligible to be sentenced directly to the center 305
and admitted to it. 306

(H) If a board of county commissioners operates or 307
subcontracts with a nonprofit organization for the operation of 308
a community alternative sentencing center, an affiliated group 309
of boards of county commissioners operates or subcontracts with 310
a nonprofit organization for the operation of a district 311
community alternative sentencing center, or a municipal 312
corporation operates or subcontracts with a nonprofit 313
organization for the operation of a community alternative 314
sentencing center under this section, all of the following 315
apply: 316

(1) With the approval of the operator of the center, a court located within any county may directly sentence eligible offenders to a community alternative sentencing center or district community alternative sentencing center pursuant to a community residential sanction of not more than ninety days or pursuant to an OVI term of confinement, a combination of an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code, or confinement for a municipal DUS offense of not more than ninety days.

(2) Each eligible offender who is sentenced to the center as described in division (H)(1) of this section and admitted to it shall be offered during the eligible offender's confinement at the center educational and vocational services and reentry planning and may be offered any other treatment and rehabilitative services that are available and that the court that sentenced the particular eligible offender to the center and the administrator of the center determine are appropriate based upon the offense for which the eligible offender was sentenced to the community residential sanction and the length of the sanction.

(3) Before accepting an eligible offender sentenced to the center by a court, the board, the affiliated group of boards, or the municipal corporation shall enter into an agreement with a political subdivision that operates that court that addresses the cost and payment of medical treatment or services received by eligible offenders sentenced by that court while they are confined in the center. The agreement may provide for the payment of the costs by the particular eligible offender who receives the treatment or services, as described in division (I) of this section.

(4) If an eligible offender a court sentences to the 347
center is admitted to the center, all of the following apply: 348

(a) The admission shall be under the terms and conditions 349
established by the court and the administrator of the center, 350
and the court and the administrator of the center shall provide 351
for the confinement of the eligible offender and supervise the 352
eligible offender as provided in divisions (H) (4) (b) to (f) of 353
this section. 354

(b) The eligible offender shall be confined in the center 355
during any period of time that the eligible offender is not 356
actually working at the eligible offender's approved work 357
release described in division (H) (4) (c) of this section, engaged 358
in community service activities described in division (H) (4) (d) 359
of this section, engaged in authorized vocational training or 360
another authorized educational program, engaged in another 361
program designated by the administrator of the center, or 362
engaged in other activities approved by the court and the 363
administrator of the center. 364

(c) If the court and the administrator of the center 365
determine that work release is appropriate based upon the 366
offense for which the eligible offender was sentenced to the 367
community residential sanction or OVI term of confinement and 368
the length of the sanction or term, the eligible offender may be 369
offered work release from confinement at the center and be 370
released from confinement while engaged in the work release. 371

(d) An eligible offender may not participate in community 372
service without the court's approval. If the administrator of 373
the center determines that community service is appropriate and 374
if the eligible offender will be confined for more than ten days 375
at the center, the eligible offender may be required to 376

participate in community service activities approved by the 377
court and by the political subdivision served by the court. 378
Community service activities that may be required under this 379
division may take place in facilities of the political 380
subdivision that operates the court, in the community, or in 381
both such locales. The eligible offender shall be released from 382
confinement while engaged in the community service activities. 383
Community service activities required under this division shall 384
be supervised by the court or an official designated by the 385
board of county commissioners or affiliated group of boards of 386
county commissioners that established and is operating the 387
center. Community service activities required under this 388
division shall not exceed in duration the period for which the 389
eligible offender will be confined at the center under the 390
community residential sanction or the OVI term of confinement. 391

(e) The confinement of the eligible offender in the center 392
shall be considered for purposes of this division and division 393
(H) (4) (f) of this section as including any period of time 394
described in division (H) (4) (b) of this section when the 395
eligible offender may be outside of the center and shall 396
continue until the expiration of the community residential 397
sanction, the OVI term of confinement, or the combination of the 398
OVI term of confinement and the confinement for the violation of 399
section 4510.14 of the Revised Code or the municipal DUS 400
ordinance that the eligible offender is serving upon admission 401
to the center. 402

(f) After the admission and until the expiration of the 403
community residential sanction or OVI term of confinement that 404
the eligible offender is serving upon admission to the center, 405
the eligible offender shall be considered for purposes of any 406
provision in Title XXIX of the Revised Code to be serving the 407

community residential sanction or OVI term of confinement. 408

~~(5) The administrator of the center, or the 409
administrator's designee, shall post a sign as described in 410
division (A) (4) of section 2923.1212 of the Revised Code in a 411
conspicuous location at the center. 412~~

(I) The board of county commissioners that establishes a 413
community alternative sentencing center under this section, the 414
affiliated group of boards of county commissioners that 415
establishes a district community alternative sentencing center 416
under this section, or the municipal corporation that 417
establishes a community alternative sentencing center under this 418
section, may require an eligible offender who is sentenced 419
directly to the center and admitted to it to pay to the county 420
served by the board, the counties served by the affiliated group 421
of boards, the municipal corporation, or the entity operating 422
the center the reasonable expenses incurred by the county, 423
counties, municipal corporation, or entity, whichever is 424
applicable, in supervising or confining the eligible offender 425
after being sentenced to the center and admitted. Inability to 426
pay those reasonable expenses shall not be grounds for refusing 427
to admit an otherwise eligible offender to the center. 428

(J) (1) If an eligible offender who is directly sentenced 429
to a community alternative sentencing center or district 430
community alternative sentencing center and admitted to the 431
center successfully completes the service of the community 432
residential sanction in the center, the administrator of the 433
center shall notify the court that imposed the sentence, and the 434
court shall enter into the journal that the eligible offender 435
successfully completed the service of the sanction. 436

(2) If an eligible offender who is directly sentenced to a 437

community alternative sentencing center or district community 438
alternative sentencing center and admitted to the center 439
violates any rule established under this section by the board of 440
county commissioners or the affiliated group of boards of county 441
commissioners that establishes the center, violates any 442
condition of the community residential sanction, the OVI term of 443
confinement, or the combination of the OVI term of confinement 444
and the confinement for the violation of section 4510.14 of the 445
Revised Code or the municipal OVI ordinance imposed by the 446
sentencing court, or otherwise does not successfully complete 447
the service of the community residential sanction or OVI term of 448
confinement in the center, the administrator of the center shall 449
report the violation or failure to successfully complete the 450
sanction or term directly to the court or to the probation 451
department or probation officer with general control and 452
supervision over the eligible offender. A failure to 453
successfully complete the service of the community residential 454
sanction, the OVI term of confinement, or the combination of the 455
OVI term of confinement and the confinement for the violation of 456
section 4510.14 of the Revised Code or the municipal OVI 457
ordinance in the center shall be considered a violation of a 458
condition of the community residential sanction or the OVI term 459
of confinement. If the administrator reports the violation to 460
the probation department or probation officer, the department or 461
officer shall report the violation to the court. Upon its 462
receipt under this division of a report of a violation or 463
failure to complete the sanction by a person sentenced to the 464
center under a community residential sanction, the court may 465
proceed as specified in division (C) (2) of section 2929.25 of 466
the Revised Code based on the violation or as provided by 467
ordinance of the municipal corporation based on the violation, 468
whichever is applicable. Upon its receipt under this division of 469

a report of a violation or failure to complete the term by a 470
person sentenced to the center under an OVI term of confinement, 471
the court shall determine the place at which the offender is to 472
serve the remainder of the term of confinement. The eligible 473
offender shall receive credit towards completing the eligible 474
offender's sentence for the time spent in the center after 475
admission to it. 476

Sec. 2307.601. (A) As used in this section: 477

(1) ~~"Residence" and "vehicle" have~~ "Peace officer" has the 478
same ~~meanings meaning~~ as in section 2901.05-2935.01 of the 479
Revised Code. 480

(2) "Tort action" has the same meaning as in section 481
2307.60 of the Revised Code. 482

(B) For purposes of determining the potential liability of 483
a person in a tort action related to the person's use of force 484
alleged to be in self-defense, defense of another, or defense of 485
the person's residence, ~~if the person lawfully is in that~~ 486
~~person's residence,~~ the person has no duty to retreat before 487
using force in self-defense, defense of another, or defense of 488
that person's residence, ~~and, if the person lawfully is an~~ 489
~~occupant of that person's vehicle or lawfully is an occupant in~~ 490
~~a vehicle owned by an immediate family member of the person, the~~ 491
~~person has no duty to retreat before using force in self-defense~~ 492
~~or defense of another if that person is in a place in which the~~ 493
person lawfully has a right to be. 494

(C) A trier of fact shall not consider the possibility of 495
retreat as a factor in determining whether or not a person who 496
used force in self-defense, defense of another, or defense of 497
that person's residence reasonably believed that the force was 498

necessary to prevent injury, loss, or risk to life or safety. 499

(D) The affirmative defense of self-defense, defense of another, or defense of that person's residence is not available in a tort action to any of the following: 500
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(1) A person who uses force during the person's attempted commission, commission, or escape after the commission or attempted commission of a felony offense of violence; 503
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(2) A person who uses force against another, who is an aggressor, if the person initially provoked the aggressor to use force or threat of force against the person, unless either of the following apply: 506
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(a) The use of force or threat of force by the aggressor is sufficient for the person's reasonable belief that the person is in imminent danger of death or great bodily harm, and the person exhausts all reasonable means of escape other than the use of force or threat of force that is likely to cause death or great bodily harm to the aggressor. 510
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(b) The use of force or threat of force by the aggressor continues or resumes after the person, in good faith, withdraws from physical contact and clearly indicates the desire to withdraw and terminate the use of force or threat of force by the person or the aggressor. 516
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(3) A person who uses force to resist an unlawful arrest, if the person uses the force against a peace officer and the person using the force knows the person making the arrest is a peace officer; 521
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(4) A person who uses force to resist a lawful arrest, if the person uses the force against a person making the arrest or against a person assisting in making the arrest; 525
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(5) A person who uses force against a peace officer, or a person assisting a peace officer, if the peace officer is acting in the performance of the peace officer's official duties; 528
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(6) A person who uses force while committing a violation of section 2923.13 of the Revised Code. 531
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(E) The fact that an affirmative defense is not available to a person under division (D) of this section does not affect the person's right to bring any affirmative defense available to the person under the common law of this state prior to the effective date of this act. 533
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Sec. 2901.05. (A) Every person accused of an offense is presumed innocent until proven guilty beyond a reasonable doubt, and the burden of proof for all elements of the offense is upon the prosecution. The burden of going forward with the evidence of an affirmative defense, and the burden of proof, by a preponderance of the evidence, for an affirmative defense other than self-defense, defense of another, or defense of the accused's residence as described in division (B) (1) of this section, is upon the accused. 538
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(B) (1) Except as provided in division (D) of section 2901.09 of the Revised Code, a person is allowed to act in self-defense, defense of another, or defense of that person's residence. If, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented upon which a factfinder could rationally find, when viewed in the light most favorable to the accused, that the accused person used the force in self-defense, defense of another, or defense of that person's residence, the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense, defense of 547
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another, or defense of that person's residence, as the case may 558
be. 559

(2) Subject to division (B)~~(2)~~(3) of this section, a 560
person is presumed to have acted in self-defense or defense of 561
another when using defensive force that is intended or likely to 562
cause death or great bodily harm to another if the person 563
against whom the defensive force is used is in the process of 564
unlawfully and without privilege to do so entering, or has 565
unlawfully and without privilege to do so entered, the residence 566
or vehicle occupied by the person using the defensive force. 567

~~(2)~~(a)(3) The presumption set forth in division (B)~~(1)~~(2) 568
of this section does not apply if either of the following is 569
true: 570

(a) The person against whom the defensive force is used 571
has a right to be in, or is a lawful resident of, the residence 572
or vehicle. 573

~~(b)~~ The ~~presumption set forth in division (B) (1) of this~~ 574
~~section does not apply if the person who uses the defensive~~ 575
~~force uses it while in a residence or vehicle and the person is~~ 576
~~unlawfully, and without privilege to be, in that residence or~~ 577
~~vehicle.~~ 578

~~(3)~~(4) The presumption set forth in division (B)~~(1)~~(2) of 579
this section is a rebuttable presumption and may be rebutted by 580
a preponderance of the evidence, provided that the prosecution's 581
burden of proof remains proof beyond a reasonable doubt as 582
described in divisions (A) and (B) (1) of this section. 583

(C) As part of its charge to the jury in a criminal case, 584
the court shall read the definitions of "reasonable doubt" and 585
"proof beyond a reasonable doubt," contained in division (D) of 586

this section.	587
(D) As used in this section:	588
(1) An "affirmative defense" is either of the following:	589
(a) A defense expressly designated as affirmative;	590
(b) A defense involving an excuse or justification	591
peculiarly within the knowledge of the accused, on which the	592
accused can fairly be required to adduce supporting evidence.	593
(2) "Dwelling" means a building or conveyance of any kind	594
that has a roof over it and that is designed to be occupied by	595
people lodging in the building or conveyance at night,	596
regardless of whether the building or conveyance is temporary or	597
permanent or is mobile or immobile. As used in this division, a	598
building or conveyance includes, but is not limited to, an	599
attached porch, and a building or conveyance with a roof over it	600
includes, but is not limited to, a tent.	601
(3) "Residence" means a dwelling in which a person resides	602
either temporarily or permanently or is visiting as a guest.	603
(4) "Vehicle" means a conveyance of any kind, whether or	604
not motorized, that is designed to transport people or property.	605
(E) "Reasonable doubt" is present when the jurors, after	606
they have carefully considered and compared all the evidence,	607
cannot say they are firmly convinced of the truth of the charge.	608
It is a doubt based on reason and common sense. Reasonable doubt	609
is not mere possible doubt, because everything relating to human	610
affairs or depending on moral evidence is open to some possible	611
or imaginary doubt. "Proof beyond a reasonable doubt" is proof	612
of such character that an ordinary person would be willing to	613
rely and act upon it in the most important of the person's own	614

affairs. 615

Sec. 2901.09. (A) As used in this section, ~~"residence" and~~ 616
~~"vehicle" have~~ "peace officer" has the same meanings ~~meaning~~ as 617
in section ~~2901.05~~2935.01 of the Revised Code. 618

(B) For purposes of any section of the Revised Code that 619
sets forth a criminal offense, a person ~~who lawfully is in that~~ 620
~~person's residence~~ has no duty to retreat before using force in 621
self-defense, defense of another, or defense of that person's 622
residence, ~~and a person who lawfully is an occupant of that~~ 623
~~person's vehicle or who lawfully is an occupant in a vehicle~~ 624
~~owned by an immediate family member of the person has no duty to~~ 625
~~retreat before using force in self-defense or defense of another~~ 626
if that person is in a place in which the person lawfully has a 627
right to be. 628

(C) A trier of fact shall not consider the possibility of 629
retreat as a factor in determining whether or not a person who 630
used force in self-defense, defense of another, or defense of 631
that person's residence reasonably believed that the force was 632
necessary to prevent injury, loss, or risk to life or safety. 633

(D) The affirmative defense of self-defense, defense of 634
another, or defense of that person's residence is not available 635
in a tort action to any of the following: 636

(1) A person who uses force during the person's attempted 637
commission, commission, or escape after the commission or 638
attempted commission of a felony offense of violence; 639

(2) A person who uses force against another, who is an 640
aggressor, if the person initially provoked the aggressor to use 641
force or threat of force against the person, unless either of 642
the following apply: 643

(a) The use of force or threat of force by the aggressor 644
is sufficient for the person's reasonable belief that the person 645
is in imminent danger of death or great bodily harm, and the 646
person exhausts all reasonable means of escape other than the 647
use of force or threat of force that is likely to cause death or 648
great bodily harm to the aggressor. 649

(b) The use of force or threat of force by the aggressor 650
continues or resumes after the person, in good faith, withdraws 651
from physical contact and clearly indicates the desire to 652
withdraw and terminate the use of force or threat of force by 653
the person or the aggressor. 654

(3) A person who uses force to resist an unlawful arrest, 655
if the person uses the force against a peace officer and the 656
person using the force knows the person making the arrest is a 657
peace officer; 658

(4) A person who uses force to resist a lawful arrest, if 659
the person uses the force against a person making the arrest or 660
against a person assisting in making the arrest; 661

(5) A person who uses force against a peace officer, or a 662
person assisting a peace officer, if the peace officer is acting 663
in the performance of the peace officer's official duties; 664

(6) A person who uses force while committing a violation 665
of section 2923.13 of the Revised Code. 666

(E) The fact that an affirmative defense is not available 667
to a person under division (D) of this section does not affect 668
the person's right to bring any affirmative defense available to 669
the person under the common law of this state prior to the 670
effective date of this act. 671

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 672

the Revised Code: 673

(A) "Deadly weapon" means any instrument, device, or thing 674
capable of inflicting death, and designed or specially adapted 675
for use as a weapon, or possessed, carried, or used as a weapon. 676

(B) (1) "Firearm" means any deadly weapon capable of 677
expelling or propelling one or more projectiles by the action of 678
an explosive or combustible propellant. "Firearm" includes an 679
unloaded firearm, and any firearm that is inoperable but that 680
can readily be rendered operable. 681

(2) When determining whether a firearm is capable of 682
expelling or propelling one or more projectiles by the action of 683
an explosive or combustible propellant, the trier of fact may 684
rely upon circumstantial evidence, including, but not limited 685
to, the representations and actions of the individual exercising 686
control over the firearm. 687

(C) "Handgun" means any of the following: 688

(1) Any firearm that has a short stock and is designed to 689
be held and fired by the use of a single hand; 690

(2) Any combination of parts from which a firearm of a 691
type described in division (C) (1) of this section can be 692
assembled. 693

(D) "Semi-automatic firearm" means any firearm designed or 694
specially adapted to fire a single cartridge and automatically 695
chamber a succeeding cartridge ready to fire, with a single 696
function of the trigger. 697

(E) "Automatic firearm" means any firearm designed or 698
specially adapted to fire a succession of cartridges with a 699
single function of the trigger. 700

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons

or property by means of fire, and consisting of an incendiary 730
substance or agency and a means to ignite it. 731

(J) "Ballistic knife" means a knife with a detachable 732
blade that is propelled by a spring-operated mechanism. 733

(K) "Dangerous ordnance" means any of the following, 734
except as provided in division (L) of this section: 735

(1) Any automatic or sawed-off firearm, zip-gun, or 736
ballistic knife; 737

(2) Any explosive device or incendiary device; 738

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 739
cyclonite, TNT, picric acid, and other high explosives; amatol, 740
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 741
high explosive compositions; plastic explosives; dynamite, 742
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 743
liquid-oxygen blasting explosives, blasting powder, and other 744
blasting agents; and any other explosive substance having 745
sufficient brisance or power to be particularly suitable for use 746
as a military explosive, or for use in mining, quarrying, 747
excavating, or demolitions; 748

(4) Any firearm, rocket launcher, mortar, artillery piece, 749
grenade, mine, bomb, torpedo, or similar weapon, designed and 750
manufactured for military purposes, and the ammunition for that 751
weapon; 752

(5) Any firearm muffler or suppressor; 753

(6) Any combination of parts that is intended by the owner 754
for use in converting any firearm or other device into a 755
dangerous ordnance. 756

(L) "Dangerous ordnance" does not include any of the 757

- following: 758
- (1) Any firearm, including a military weapon and the 759
ammunition for that weapon, and regardless of its actual age, 760
that employs a percussion cap or other obsolete ignition system, 761
or that is designed and safe for use only with black powder; 762
- (2) Any pistol, rifle, or shotgun, designed or suitable 763
for sporting purposes, including a military weapon as issued or 764
as modified, and the ammunition for that weapon, unless the 765
firearm is an automatic or sawed-off firearm; 766
- (3) Any cannon or other artillery piece that, regardless 767
of its actual age, is of a type in accepted use prior to 1887, 768
has no mechanical, hydraulic, pneumatic, or other system for 769
absorbing recoil and returning the tube into battery without 770
displacing the carriage, and is designed and safe for use only 771
with black powder; 772
- (4) Black powder, priming quills, and percussion caps 773
possessed and lawfully used to fire a cannon of a type defined 774
in division (L) (3) of this section during displays, 775
celebrations, organized matches or shoots, and target practice, 776
and smokeless and black powder, primers, and percussion caps 777
possessed and lawfully used as a propellant or ignition device 778
in small-arms or small-arms ammunition; 779
- (5) Dangerous ordnance that is inoperable or inert and 780
cannot readily be rendered operable or activated, and that is 781
kept as a trophy, souvenir, curio, or museum piece; 782
- (6) Any device that is expressly excepted from the 783
definition of a destructive device pursuant to the "Gun Control 784
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 785
and regulations issued under that act; 786

(7) Any firearm with an overall length of at least twenty- 787
six inches that is approved for sale by the federal bureau of 788
alcohol, tobacco, firearms, and explosives under the "Gun 789
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 790
that is found by the bureau not to be regulated under the 791
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 792
5845(a). 793

(M) "Explosive" means any chemical compound, mixture, or 794
device, the primary or common purpose of which is to function by 795
explosion. "Explosive" includes all materials that have been 796
classified as division 1.1, division 1.2, division 1.3, or 797
division 1.4 explosives by the United States department of 798
transportation in its regulations and includes, but is not 799
limited to, dynamite, black powder, pellet powders, initiating 800
explosives, blasting caps, electric blasting caps, safety fuses, 801
fuse igniters, squibs, cordeau detonant fuses, instantaneous 802
fuses, and igniter cords and igniters. "Explosive" does not 803
include "fireworks," as defined in section 3743.01 of the 804
Revised Code, or any substance or material otherwise meeting the 805
definition of explosive set forth in this section that is 806
manufactured, sold, possessed, transported, stored, or used in 807
any activity described in section 3743.80 of the Revised Code, 808
provided the activity is conducted in accordance with all 809
applicable laws, rules, and regulations, including, but not 810
limited to, the provisions of section 3743.80 of the Revised 811
Code and the rules of the fire marshal adopted pursuant to 812
section 3737.82 of the Revised Code. 813

(N) (1) "Concealed handgun license" or "license to carry a 814
concealed handgun" means, subject to division (N) (2) of this 815
section, a license or temporary emergency license to carry a 816
concealed handgun issued under section 2923.125 or 2923.1213 of 817

the Revised Code or a license to carry a concealed handgun 818
issued by another state with which the attorney general has 819
entered into a reciprocity agreement under section 109.69 of the 820
Revised Code. 821

(2) A reference in any provision of the Revised Code to a 822
concealed handgun license issued under section 2923.125 of the 823
Revised Code or a license to carry a concealed handgun issued 824
under section 2923.125 of the Revised Code means only a license 825
of the type that is specified in that section. A reference in 826
any provision of the Revised Code to a concealed handgun license 827
issued under section 2923.1213 of the Revised Code, a license to 828
carry a concealed handgun issued under section 2923.1213 of the 829
Revised Code, or a license to carry a concealed handgun on a 830
temporary emergency basis means only a license of the type that 831
is specified in section 2923.1213 of the Revised Code. A 832
reference in any provision of the Revised Code to a concealed 833
handgun license issued by another state or a license to carry a 834
concealed handgun issued by another state means only a license 835
issued by another state with which the attorney general has 836
entered into a reciprocity agreement under section 109.69 of the 837
Revised Code. 838

(O) "Valid concealed handgun license" or "valid license to 839
carry a concealed handgun" means a concealed handgun license 840
that is currently valid, that is not under a suspension under 841
division (A) (1) of section 2923.128 of the Revised Code, under 842
section 2923.1213 of the Revised Code, or under a suspension 843
provision of the state other than this state in which the 844
license was issued, and that has not been revoked under division 845
(B) (1) of section 2923.128 of the Revised Code, under section 846
2923.1213 of the Revised Code, or under a revocation provision 847
of the state other than this state in which the license was 848

issued.	849
(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:	850 851
(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;	852 853 854 855
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	856 857
(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."	858 859 860 861 862
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	863 864
Sec. 2923.12. (A) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:	865 866 867
(1) A deadly weapon other than a handgun;	868
(2) A handgun other than a dangerous ordnance;	869
(3) A dangerous ordnance.	870
(B) No person who has been issued a concealed handgun license shall do any of the following:	871 872
(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the	873 874 875

person has been stopped that the person has been issued a 876
concealed handgun license and that the person then is carrying a 877
concealed handgun; 878

(2) If the person is stopped for a law enforcement purpose 879
and is carrying a concealed handgun, knowingly fail to keep the 880
person's hands in plain sight at any time after any law 881
enforcement officer begins approaching the person while stopped 882
and before the law enforcement officer leaves, unless it is 883
impractical to keep the person's hands in plain sight in that 884
manner or the failure is pursuant to and in accordance with 885
directions given by a law enforcement officer; 886

(3) If the person is stopped for a law enforcement 887
purpose, if the person is carrying a concealed handgun, and if 888
the person is approached by any law enforcement officer while 889
stopped, knowingly remove or attempt to remove the loaded 890
handgun from the holster, pocket, or other place in which the 891
person is carrying it, knowingly grasp or hold the loaded 892
handgun, or knowingly have contact with the loaded handgun by 893
touching it with the person's hands or fingers at any time after 894
the law enforcement officer begins approaching and before the 895
law enforcement officer leaves, unless the person removes, 896
attempts to remove, grasps, holds, or has contact with the 897
loaded handgun pursuant to and in accordance with directions 898
given by the law enforcement officer; 899

(4) If the person is stopped for a law enforcement purpose 900
and is carrying a concealed handgun, knowingly disregard or fail 901
to comply with any lawful order of any law enforcement officer 902
given while the person is stopped, including, but not limited 903
to, a specific order to the person to keep the person's hands in 904
plain sight. 905

(C) (1) This section does not apply to any of the 906
following: 907

(a) An officer, agent, or employee of this or any other 908
state or the United States, or to a law enforcement officer, who 909
is authorized to carry concealed weapons or dangerous ordnance 910
or is authorized to carry handguns and is acting within the 911
scope of the officer's, agent's, or employee's duties; 912

(b) Any person who is employed in this state, who is 913
authorized to carry concealed weapons or dangerous ordnance or 914
is authorized to carry handguns, and who is subject to and in 915
compliance with the requirements of section 109.801 of the 916
Revised Code, unless the appointing authority of the person has 917
expressly specified that the exemption provided in division (C) 918
(1) (b) of this section does not apply to the person; 919

(c) A person's transportation or storage of a firearm, 920
other than a firearm described in divisions (G) to (M) of 921
section 2923.11 of the Revised Code, in a motor vehicle for any 922
lawful purpose if the firearm is not on the actor's person; 923

(d) A person's storage or possession of a firearm, other 924
than a firearm described in divisions (G) to (M) of section 925
2923.11 of the Revised Code, in the actor's own home for any 926
lawful purpose. 927

(2) Division (A) (2) of this section does not apply to any 928
person who, at the time of the alleged carrying or possession of 929
a handgun, either is carrying a valid concealed handgun license 930
or is an active duty member of the armed forces of the United 931
States and is carrying a valid military identification card and 932
documentation of successful completion of firearms training that 933
meets or exceeds the training requirements described in division 934

(G) (1) of section 2923.125 of the Revised Code, unless the 935
person knowingly is in a place described in division (B) of 936
section 2923.126 of the Revised Code. 937

(D) It is an affirmative defense to a charge under 938
division (A) (1) of this section of carrying or having control of 939
a weapon other than a handgun and other than a dangerous 940
ordnance that the actor was not otherwise prohibited by law from 941
having the weapon and that any of the following applies: 942

(1) The weapon was carried or kept ready at hand by the 943
actor for defensive purposes while the actor was engaged in or 944
was going to or from the actor's lawful business or occupation, 945
which business or occupation was of a character or was 946
necessarily carried on in a manner or at a time or place as to 947
render the actor particularly susceptible to criminal attack, 948
such as would justify a prudent person in going armed. 949

(2) The weapon was carried or kept ready at hand by the 950
actor for defensive purposes while the actor was engaged in a 951
lawful activity and had reasonable cause to fear a criminal 952
attack upon the actor, a member of the actor's family, or the 953
actor's home, such as would justify a prudent person in going 954
armed. 955

(3) The weapon was carried or kept ready at hand by the 956
actor for any lawful purpose and while in the actor's own home. 957

(E) No person who is charged with a violation of this 958
section shall be required to obtain a concealed handgun license 959
as a condition for the dismissal of the charge. 960

(F) (1) Whoever violates this section is guilty of carrying 961
concealed weapons. Except as otherwise provided in this division 962
or divisions (F) (2), (6), and (7) of this section, carrying 963

concealed weapons in violation of division (A) (1) of this 964
section is a misdemeanor of the first degree. Except as 965
otherwise provided in this division or divisions (F) (2), (6), 966
and (7) of this section, if the offender previously has been 967
convicted of a violation of this section or of any offense of 968
violence, or if the weapon involved is a firearm that is either 969
loaded or for which the offender has ammunition ready at hand, 970
~~or if the weapon involved is dangerous ordnance,~~ carrying 971
concealed weapons in violation of division (A) (1) of this 972
section is a felony of the fourth degree. ~~Except—~~ 973

Except as otherwise provided in this division or divisions 974
(F) (2), (6), and (7) of this section, carrying concealed weapons 975
in violation of division (A) (2) of this section is a minor 976
misdemeanor. Except as otherwise provided in this division or 977
divisions (F) (2), (6), and (7) of this section, carrying 978
concealed weapons in violation of division (A) (2) of this 979
section committed in circumstances in which the offender 980
committed any other offense while carrying concealed the handgun 981
is a misdemeanor of the first degree. Except as otherwise 982
provided in this division or divisions (F) (2), (6), and (7) of 983
this section, if the offender committed any other offense while 984
carrying the concealed handgun and the offender previously has 985
been convicted of a violation of this section or of any offense 986
of violence or if the handgun involved is either loaded or is a 987
handgun for which the offender has ammunition ready at hand, 988
carrying concealed weapons in violation of division (A) (2) of 989
this section is a felony of the fourth degree. 990

Except as otherwise provided in this division or divisions 991
(F) (2), (6), and (7) of this section, carrying concealed weapons 992
in violation of division (A) (3) of this section is a felony of 993
the fourth degree. 994

Except as otherwise provided in divisions (F) (2) and (6) 995
of this section, if the offense is committed aboard an aircraft, 996
or with purpose to carry a concealed weapon aboard an aircraft, 997
regardless of the weapon involved, carrying concealed weapons in 998
violation of division (A) (1), (2), or (3) of this section is a 999
felony of the third degree. 1000

(2) Except as provided in division (F) (6) of this section, 1001
if a person being arrested for a violation of division (A) (2) of 1002
this section promptly produces a valid concealed handgun 1003
license, and if at the time of the violation the person was not 1004
knowingly in a place described in division (B) of section 1005
2923.126 of the Revised Code, the officer shall not arrest the 1006
person for a violation of that division. If the person is not 1007
able to promptly produce any concealed handgun license and if 1008
the person is not in a place described in that section, the 1009
officer may arrest the person for a violation of that division, 1010
and the offender shall be punished ~~as follows:~~ 1011

~~(a) The offender shall be guilty of a minor misdemeanor if~~ 1012
~~both of the following apply:~~ 1013

~~(i) Within ten days after the arrest, the offender~~ 1014
~~presents a concealed handgun license, which license was valid at~~ 1015
~~the time of the arrest to the law enforcement agency that~~ 1016
~~employs the arresting officer.~~ 1017

~~(ii) At the time of the arrest, the offender was not~~ 1018
~~knowingly in a place described in division (B) of section~~ 1019
~~2923.126 of the Revised Code.~~ 1020

~~(b) The offender shall be guilty of a misdemeanor and~~ 1021
~~shall be fined five hundred dollars if all of the following~~ 1022
~~apply:~~ 1023

~~(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.~~ 1024
1025
1026

~~(ii) Within forty five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.~~ 1027
1028
1029
1030
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1032

~~(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code.~~ 1033
1034
1035

~~(c) If divisions (F) (2) (a) and (b) and (F) (6) of this section do not apply, the offender shall be punished under division (F) (1) or (7) of this section.~~ 1036
1037
1038

(3) Except as otherwise provided in this division, 1039
carrying concealed weapons in violation of division (B) (1) of 1040
this section is a misdemeanor of the first degree, and, in 1041
addition to any other penalty or sanction imposed for a 1042
violation of division (B) (1) of this section, the offender's 1043
concealed handgun license shall be suspended pursuant to 1044
division (A) (2) of section 2923.128 of the Revised Code. If, at 1045
the time of the stop of the offender for a law enforcement 1046
purpose that was the basis of the violation, any law enforcement 1047
officer involved with the stop had actual knowledge that the 1048
offender has been issued a concealed handgun license, carrying 1049
concealed weapons in violation of division (B) (1) of this 1050
section is a minor misdemeanor, and the offender's concealed 1051
handgun license shall not be suspended pursuant to division (A) 1052
(2) of section 2923.128 of the Revised Code. 1053

(4) Carrying concealed weapons in violation of division 1054
(B) (2) or (4) of this section is a misdemeanor of the first 1055
degree or, if the offender previously has been convicted of or 1056
pleaded guilty to a violation of division (B) (2) or (4) of this 1057
section, a felony of the fifth degree. In addition to any other 1058
penalty or sanction imposed for a misdemeanor violation of 1059
division (B) (2) or (4) of this section, the offender's concealed 1060
handgun license shall be suspended pursuant to division (A) (2) 1061
of section 2923.128 of the Revised Code. 1062

(5) Carrying concealed weapons in violation of division 1063
(B) (3) of this section is a felony of the fifth degree. 1064

(6) If a person being arrested for a violation of division 1065
(A) (2) of this section is an active duty member of the armed 1066
forces of the United States and is carrying a valid military 1067
identification card and documentation of successful completion 1068
of firearms training that meets or exceeds the training 1069
requirements described in division (G) (1) of section 2923.125 of 1070
the Revised Code, and if at the time of the violation the person 1071
was not knowingly in a place described in division (B) of 1072
section 2923.126 of the Revised Code, the officer shall not 1073
arrest the person for a violation of that division. If the 1074
person is not able to promptly produce a valid military 1075
identification card and documentation of successful completion 1076
of firearms training that meets or exceeds the training 1077
requirements described in division (G) (1) of section 2923.125 of 1078
the Revised Code and if the person is not in a place described 1079
in division (B) of section 2923.126 of the Revised Code, the 1080
officer shall issue a citation and the offender shall be 1081
assessed a civil penalty of not more than ~~five~~one hundred fifty 1082
dollars. The citation shall be automatically dismissed and the 1083
civil penalty shall not be assessed if both of the following 1084

apply: 1085

(a) Within ten days after the issuance of the citation, 1086
the offender presents a valid military identification card and 1087
documentation of successful completion of firearms training that 1088
meets or exceeds the training requirements described in division 1089
(G) (1) of section 2923.125 of the Revised Code, which were both 1090
valid at the time of the issuance of the citation to the law 1091
enforcement agency that employs the citing officer. 1092

(b) At the time of the citation, the offender was not 1093
knowingly in a place described in division (B) of section 1094
2923.126 of the Revised Code. 1095

(7) If a person being arrested for a violation of division 1096
(A) (2) of this section is knowingly in a place described in 1097
division (B) (5) of section 2923.126 of the Revised Code and is 1098
not authorized to carry a handgun or have a handgun concealed on 1099
the person's person or concealed ready at hand under that 1100
division, the penalty shall be as follows: 1101

(a) Except as otherwise provided in ~~this division (F) (7)~~ 1102
~~(b), (c), or (d) of this section, if the person produces a valid~~ 1103
~~concealed handgun license within ten days after the arrest and~~ 1104
~~has not previously been convicted or pleaded guilty to a~~ 1105
~~violation of division (A) (2) of this section, the person is~~ 1106
guilty of a minor misdemeanor; 1107

(b) Except as otherwise provided in ~~this division (F) (7)~~ 1108
~~(d) of this section~~, if the person has previously been convicted 1109
of or pleaded guilty to ~~a one~~ violation of division (A) (2) of 1110
this section, the person is guilty of a misdemeanor of the 1111
fourth degree; 1112

(c) Except as otherwise provided in ~~this division (F) (7)~~ 1113

(d) of this section, if the person has previously been convicted 1114
of or pleaded guilty to two violations of division (A) (2) of 1115
this section, the person is guilty of a misdemeanor of the third 1116
degree; 1117

~~(d) Except as otherwise provided in this division, if~~ 1118
~~the person has previously been convicted of or pleaded guilty to~~ 1119
~~three or more violations of division (A) (2) of this section,~~ or 1120
~~convicted of or pleaded guilty to~~ of any offense of violence, if 1121
the weapon involved is a firearm that is either loaded or for 1122
which the offender has ammunition ready at hand, or if the 1123
weapon involved is a dangerous ordnance, the person is guilty of 1124
a misdemeanor of the second degree. 1125

(G) If a law enforcement officer stops a person to 1126
question the person regarding a possible violation of this 1127
section, for a traffic stop, or for any other law enforcement 1128
purpose, if the person surrenders a firearm to the officer, 1129
either voluntarily or pursuant to a request or demand of the 1130
officer, and if the officer does not charge the person with a 1131
violation of this section or arrest the person for any offense, 1132
the person is not otherwise prohibited by law from possessing 1133
the firearm, and the firearm is not contraband, the officer 1134
shall return the firearm to the person at the termination of the 1135
stop. If a court orders a law enforcement officer to return a 1136
firearm to a person pursuant to the requirement set forth in 1137
this division, division (B) of section 2923.163 of the Revised 1138
Code applies. 1139

Sec. 2923.126. (A) A concealed handgun license that is 1140
issued under section 2923.125 of the Revised Code shall expire 1141
five years after the date of issuance. A licensee who has been 1142
issued a license under that section shall be granted a grace 1143

period of thirty days after the licensee's license expires 1144
during which the licensee's license remains valid. Except as 1145
provided in divisions (B) and (C) of this section, a licensee 1146
who has been issued a concealed handgun license under section 1147
2923.125 or 2923.1213 of the Revised Code may carry a concealed 1148
handgun anywhere in this state if the licensee also carries a 1149
valid license ~~and valid identification~~ when the licensee is in 1150
actual possession of a concealed handgun. The licensee shall 1151
give notice of any change in the licensee's residence address to 1152
the sheriff who issued the license within forty-five days after 1153
that change. 1154

If a licensee is the driver or an occupant of a motor 1155
vehicle that is stopped as the result of a traffic stop or a 1156
stop for another law enforcement purpose and if the licensee is 1157
transporting or has a loaded handgun in the motor vehicle at 1158
that time, the licensee shall promptly inform any law 1159
enforcement officer who approaches the vehicle while stopped 1160
that the licensee has been issued a concealed handgun license 1161
and that the licensee currently possesses or has a loaded 1162
handgun; the licensee shall not knowingly disregard or fail to 1163
comply with lawful orders of a law enforcement officer given 1164
while the motor vehicle is stopped, knowingly fail to remain in 1165
the motor vehicle while stopped unless directed otherwise by a 1166
law enforcement officer, or knowingly fail to keep the 1167
licensee's hands in plain sight after any law enforcement 1168
officer begins approaching the licensee while stopped and before 1169
the officer leaves, unless it is impractical to keep the 1170
licensee's hands in plain sight in that manner or the licensee 1171
is directed otherwise by a law enforcement officer; and the 1172
licensee shall not knowingly have contact with the loaded 1173
handgun by touching it with the licensee's hands or fingers, in 1174

any manner in violation of division (E) of section 2923.16 of 1175
the Revised Code, after any law enforcement officer begins 1176
approaching the licensee while stopped and before the officer 1177
leaves. Additionally, if a licensee is the driver or an occupant 1178
of a commercial motor vehicle that is stopped by an employee of 1179
the motor carrier enforcement unit for the purposes defined in 1180
section 5503.34 of the Revised Code and ~~if~~ the licensee is 1181
transporting or has a loaded handgun in the commercial motor 1182
vehicle at that time, the licensee shall promptly inform the 1183
employee of the unit who approaches the vehicle while stopped 1184
that the licensee has been issued a concealed handgun license 1185
and that the licensee currently possesses or has a loaded 1186
handgun. 1187

If a licensee is stopped for a law enforcement purpose and 1188
if the licensee is carrying a concealed handgun at the time the 1189
officer approaches, the licensee shall promptly inform any law 1190
enforcement officer who approaches the licensee while stopped 1191
that the licensee has been issued a concealed handgun license 1192
and that the licensee currently is carrying a concealed handgun; 1193
the licensee shall not knowingly disregard or fail to comply 1194
with lawful orders of a law enforcement officer given while the 1195
licensee is stopped, or knowingly fail to keep the licensee's 1196
hands in plain sight after any law enforcement officer begins 1197
approaching the licensee while stopped and before the officer 1198
leaves, unless it is impractical to keep the licensee's hands in 1199
plain sight in that manner or the licensee is directed otherwise 1200
by a law enforcement officer; and the licensee shall not 1201
knowingly remove, attempt to remove, grasp, or hold the loaded 1202
handgun or knowingly have contact with the loaded handgun by 1203
touching it with the licensee's hands or fingers, in any manner 1204
in violation of division (B) of section 2923.12 of the Revised 1205

Code, after any law enforcement officer begins approaching the 1206
licensee while stopped and before the officer leaves. 1207

(B) A valid concealed handgun license does not authorize 1208
the licensee to carry a concealed handgun in any manner 1209
prohibited under division (B) of section 2923.12 of the Revised 1210
Code or in any manner prohibited under section 2923.16 of the 1211
Revised Code. A valid license does not authorize the licensee to 1212
carry a concealed handgun into any of the following places: 1213

(1) A police station, sheriff's office, or state highway 1214
patrol station, premises controlled by the bureau of criminal 1215
identification and investigation; a state correctional 1216
institution, jail, workhouse, or other detention facility; any 1217
area of an airport passenger terminal that is beyond a passenger 1218
or property screening checkpoint or to which access is 1219
restricted through security measures by the airport authority or 1220
a public agency; or an institution that is maintained, operated, 1221
managed, and governed pursuant to division (A) of section 1222
5119.14 of the Revised Code or division (A) (1) of section 1223
5123.03 of the Revised Code; 1224

(2) A school safety zone if the licensee's carrying the 1225
concealed handgun is in violation of section 2923.122 of the 1226
Revised Code; 1227

(3) A courthouse or another building or structure in which 1228
a courtroom is located, if the licensee's carrying the concealed 1229
handgun is in violation of section 2923.123 of the Revised Code; 1230

(4) Any premises or open air arena for which a D permit 1231
has been issued under Chapter 4303. of the Revised Code if the 1232
licensee's carrying the concealed handgun is in violation of 1233
section 2923.121 of the Revised Code; 1234

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

(8) A place in which federal law prohibits the carrying of handguns.

(C)(1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this section

shall require a private employer of that nature to adopt a rule, 1265
policy, or practice concerning or prohibiting the presence of 1266
firearms on the private employer's premises or property, 1267
including motor vehicles owned by the private employer. 1268

(2) (a) A private employer shall be immune from liability 1269
in a civil action for any injury, death, or loss to person or 1270
property that allegedly was caused by or related to a licensee 1271
bringing a handgun onto the premises or property of the private 1272
employer, including motor vehicles owned by the private 1273
employer, unless the private employer acted with malicious 1274
purpose. A private employer is immune from liability in a civil 1275
action for any injury, death, or loss to person or property that 1276
allegedly was caused by or related to the private employer's 1277
decision to permit a licensee to bring, or prohibit a licensee 1278
from bringing, a handgun onto the premises or property of the 1279
private employer. 1280

(b) A political subdivision shall be immune from liability 1281
in a civil action, to the extent and in the manner provided in 1282
Chapter 2744. of the Revised Code, for any injury, death, or 1283
loss to person or property that allegedly was caused by or 1284
related to a licensee bringing a handgun onto any premises or 1285
property owned, leased, or otherwise under the control of the 1286
political subdivision. As used in this division, "political 1287
subdivision" has the same meaning as in section 2744.01 of the 1288
Revised Code. 1289

(c) An institution of higher education shall be immune 1290
from liability in a civil action for any injury, death, or loss 1291
to person or property that allegedly was caused by or related to 1292
a licensee bringing a handgun onto the premises of the 1293
institution, including motor vehicles owned by the institution, 1294

unless the institution acted with malicious purpose. An 1295
institution of higher education is immune from liability in a 1296
civil action for any injury, death, or loss to person or 1297
property that allegedly was caused by or related to the 1298
institution's decision to permit a licensee or class of 1299
licensees to bring a handgun onto the premises of the 1300
institution. 1301

(3) (a) Except as provided in division (C) (3) (b) of this 1302
section, the owner or person in control of private land or 1303
premises, and a private person or entity leasing land or 1304
premises owned by the state, the United States, or a political 1305
subdivision of the state or the United States, may post a sign 1306
in a conspicuous location on that land or on those premises 1307
prohibiting persons from carrying firearms or concealed firearms 1308
on or onto that land or those premises. Except as otherwise 1309
provided in this division, a person who knowingly violates a 1310
posted prohibition of that nature is guilty of criminal trespass 1311
in violation of division (A) (4) of section 2911.21 of the 1312
Revised Code and is guilty of a misdemeanor of the fourth 1313
degree. If a person knowingly violates a posted prohibition of 1314
that nature and the posted land or premises primarily was a 1315
parking lot or other parking facility, the person is not guilty 1316
of criminal trespass under section 2911.21 of the Revised Code 1317
or under any other criminal law of this state or criminal law, 1318
ordinance, or resolution of a political subdivision of this 1319
state, and instead is subject only to a civil cause of action 1320
for trespass based on the violation. 1321

If a person knowingly violates a posted prohibition of the 1322
nature described in this division and the posted land or 1323
premises is a child day-care center, type A family day-care 1324
home, or type B family day-care home, unless the person is a 1325

licensee who resides in a type A family day-care home or type B 1326
family day-care home, the person is guilty of aggravated 1327
trespass in violation of section 2911.211 of the Revised Code. 1328
Except as otherwise provided in this division, the offender is 1329
guilty of a misdemeanor of the first degree. If the person 1330
previously has been convicted of a violation of this division or 1331
of any offense of violence, if the weapon involved is a firearm 1332
that is either loaded or for which the offender has ammunition 1333
ready at hand, or if the weapon involved is dangerous ordnance, 1334
the offender is guilty of a felony of the fourth degree. 1335

(b) A landlord may not prohibit or restrict a tenant who 1336
is a licensee and who on or after September 9, 2008, enters into 1337
a rental agreement with the landlord for the use of residential 1338
premises, and the tenant's guest while the tenant is present, 1339
from lawfully carrying or possessing a handgun on those 1340
residential premises. 1341

(c) As used in division (C) (3) of this section: 1342

(i) "Residential premises" has the same meaning as in 1343
section 5321.01 of the Revised Code, except "residential 1344
premises" does not include a dwelling unit that is owned or 1345
operated by a college or university. 1346

(ii) "Landlord," "tenant," and "rental agreement" have the 1347
same meanings as in section 5321.01 of the Revised Code. 1348

(D) A person who holds a valid concealed handgun license 1349
issued by another state that is recognized by the attorney 1350
general pursuant to a reciprocity agreement entered into 1351
pursuant to section 109.69 of the Revised Code or a person who 1352
holds a valid concealed handgun license under the circumstances 1353
described in division (B) of section 109.69 of the Revised Code 1354

has the same right to carry a concealed handgun in this state as 1355
a person who was issued a concealed handgun license under 1356
section 2923.125 of the Revised Code and is subject to the same 1357
restrictions that apply to a person who carries a license issued 1358
under that section. 1359

(E) (1) A peace officer has the same right to carry a 1360
concealed handgun in this state as a person who was issued a 1361
concealed handgun license under section 2923.125 of the Revised 1362
Code. For purposes of reciprocity with other states, a peace 1363
officer shall be considered to be a licensee in this state. 1364

(2) An active duty member of the armed forces of the 1365
United States who is carrying a valid military identification 1366
card and documentation of successful completion of firearms 1367
training that meets or exceeds the training requirements 1368
described in division (G) (1) of section 2923.125 of the Revised 1369
Code has the same right to carry a concealed handgun in this 1370
state as a person who was issued a concealed handgun license 1371
under section 2923.125 of the Revised Code and is subject to the 1372
same restrictions as specified in this section. 1373

(3) A tactical medical professional who is qualified to 1374
carry firearms while on duty under section 109.771 of the 1375
Revised Code has the same right to carry a concealed handgun in 1376
this state as a person who was issued a concealed handgun 1377
license under section 2923.125 of the Revised Code. 1378

(F) (1) A qualified retired peace officer who possesses a 1379
retired peace officer identification card issued pursuant to 1380
division (F) (2) of this section and a valid firearms 1381
requalification certification issued pursuant to division (F) (3) 1382
of this section has the same right to carry a concealed handgun 1383
in this state as a person who was issued a concealed handgun 1384

license under section 2923.125 of the Revised Code and is 1385
subject to the same restrictions that apply to a person who 1386
carries a license issued under that section. For purposes of 1387
reciprocity with other states, a qualified retired peace officer 1388
who possesses a retired peace officer identification card issued 1389
pursuant to division (F)(2) of this section and a valid firearms 1390
requalification certification issued pursuant to division (F)(3) 1391
of this section shall be considered to be a licensee in this 1392
state. 1393

(2) (a) Each public agency of this state or of a political 1394
subdivision of this state that is served by one or more peace 1395
officers shall issue a retired peace officer identification card 1396
to any person who retired from service as a peace officer with 1397
that agency, if the issuance is in accordance with the agency's 1398
policies and procedures and if the person, with respect to the 1399
person's service with that agency, satisfies all of the 1400
following: 1401

(i) The person retired in good standing from service as a 1402
peace officer with the public agency, and the retirement was not 1403
for reasons of mental instability. 1404

(ii) Before retiring from service as a peace officer with 1405
that agency, the person was authorized to engage in or supervise 1406
the prevention, detection, investigation, or prosecution of, or 1407
the incarceration of any person for, any violation of law and 1408
the person had statutory powers of arrest. 1409

(iii) At the time of the person's retirement as a peace 1410
officer with that agency, the person was trained and qualified 1411
to carry firearms in the performance of the peace officer's 1412
duties. 1413

(iv) Before retiring from service as a peace officer with 1414
that agency, the person was regularly employed as a peace 1415
officer for an aggregate of fifteen years or more, or, in the 1416
alternative, the person retired from service as a peace officer 1417
with that agency, after completing any applicable probationary 1418
period of that service, due to a service-connected disability, 1419
as determined by the agency. 1420

(b) A retired peace officer identification card issued to 1421
a person under division (F)(2)(a) of this section shall identify 1422
the person by name, contain a photograph of the person, identify 1423
the public agency of this state or of the political subdivision 1424
of this state from which the person retired as a peace officer 1425
and that is issuing the identification card, and specify that 1426
the person retired in good standing from service as a peace 1427
officer with the issuing public agency and satisfies the 1428
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1429
section. In addition to the required content specified in this 1430
division, a retired peace officer identification card issued to 1431
a person under division (F)(2)(a) of this section may include 1432
the firearms requalification certification described in division 1433
(F)(3) of this section, and if the identification card includes 1434
that certification, the identification card shall serve as the 1435
firearms requalification certification for the retired peace 1436
officer. If the issuing public agency issues credentials to 1437
active law enforcement officers who serve the agency, the agency 1438
may comply with division (F)(2)(a) of this section by issuing 1439
the same credentials to persons who retired from service as a 1440
peace officer with the agency and who satisfy the criteria set 1441
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1442
provided that the credentials so issued to retired peace 1443
officers are stamped with the word "RETIRED." 1444

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was

successfully completed, and specifies that the requalification 1476
is valid for five years from that date of successful completion. 1477
The firearms requalification certification for a retired peace 1478
officer may be included in the retired peace officer 1479
identification card issued to the retired peace officer under 1480
division (F) (2) of this section. 1481

A retired peace officer who attends a firearms 1482
requalification program that is approved for purposes of 1483
firearms requalification required under section 109.801 of the 1484
Revised Code may be required to pay the cost of the program. 1485

(G) As used in this section: 1486

(1) "Qualified retired peace officer" means a person who 1487
satisfies all of the following: 1488

(a) The person satisfies the criteria set forth in 1489
divisions (F) (2) (a) (i) to (v) of this section. 1490

(b) The person is not under the influence of alcohol or 1491
another intoxicating or hallucinatory drug or substance. 1492

(c) The person is not prohibited by federal law from 1493
receiving firearms. 1494

(2) "Retired peace officer identification card" means an 1495
identification card that is issued pursuant to division (F) (2) 1496
of this section to a person who is a retired peace officer. 1497

(3) "Government facility of this state or a political 1498
subdivision of this state" means any of the following: 1499

(a) A building or part of a building that is owned or 1500
leased by the government of this state or a political 1501
subdivision of this state and where employees of the government 1502
of this state or the political subdivision regularly are present 1503

for the purpose of performing their official duties as employees 1504
of the state or political subdivision; 1505

(b) The office of a deputy registrar serving pursuant to 1506
Chapter 4503. of the Revised Code that is used to perform deputy 1507
registrar functions. 1508

(4) "Governing body" has the same meaning as in section 1509
154.01 of the Revised Code. 1510

(5) "Tactical medical professional" has the same meaning 1511
as in section 109.71 of the Revised Code. 1512

Sec. 2923.16. (A) No person shall knowingly discharge a 1513
firearm while in or on a motor vehicle. 1514

(B) No person shall knowingly transport or have a loaded 1515
firearm in a motor vehicle in such a manner that the firearm is 1516
accessible to the operator or any passenger without leaving the 1517
vehicle. 1518

(C) No person shall knowingly transport or have a firearm 1519
in a motor vehicle, unless the person may lawfully possess that 1520
firearm under applicable law of this state or the United States, 1521
the firearm is unloaded, and the firearm is carried in one of 1522
the following ways: 1523

(1) In a closed package, box, or case; 1524

(2) In a compartment that can be reached only by leaving 1525
the vehicle; 1526

(3) In plain sight and secured in a rack or holder made 1527
for the purpose; 1528

(4) If the firearm is at least twenty-four inches in 1529
overall length as measured from the muzzle to the part of the 1530

stock furthest from the muzzle and if the barrel is at least 1531
eighteen inches in length, either in plain sight with the action 1532
open or the weapon stripped, or, if the firearm is of a type on 1533
which the action will not stay open or which cannot easily be 1534
stripped, in plain sight. 1535

(D) No person shall knowingly transport or have a loaded 1536
handgun in a motor vehicle if, at the time of that 1537
transportation or possession, any of the following applies: 1538

(1) The person is under the influence of alcohol, a drug 1539
of abuse, or a combination of them. 1540

(2) The person's whole blood, blood serum or plasma, 1541
breath, or urine contains a concentration of alcohol, a listed 1542
controlled substance, or a listed metabolite of a controlled 1543
substance prohibited for persons operating a vehicle, as 1544
specified in division (A) of section 4511.19 of the Revised 1545
Code, regardless of whether the person at the time of the 1546
transportation or possession as described in this division is 1547
the operator of or a passenger in the motor vehicle. 1548

(E) No person who has been issued a concealed handgun 1549
license or who is an active duty member of the armed forces of 1550
the United States and is carrying a valid military 1551
identification card and documentation of successful completion 1552
of firearms training that meets or exceeds the training 1553
requirements described in division (G) (1) of section 2923.125 of 1554
the Revised Code, who is the driver or an occupant of a motor 1555
vehicle that is stopped as a result of a traffic stop or a stop 1556
for another law enforcement purpose or is the driver or an 1557
occupant of a commercial motor vehicle that is stopped by an 1558
employee of the motor carrier enforcement unit for the purposes 1559
defined in section 5503.34 of the Revised Code, and who is 1560

transporting or has a loaded handgun in the motor vehicle or 1561
commercial motor vehicle in any manner, shall do any of the 1562
following: 1563

(1) Fail to promptly inform any law enforcement officer 1564
who approaches the vehicle while stopped that the person has 1565
been issued a concealed handgun license or is authorized to 1566
carry a concealed handgun as an active duty member of the armed 1567
forces of the United States and that the person then possesses 1568
or has a loaded handgun in the motor vehicle; 1569

(2) Fail to promptly inform the employee of the motor 1570
carrier enforcement unit who approaches the vehicle while 1571
stopped that the person has been issued a concealed handgun 1572
license or is authorized to carry a concealed handgun as an 1573
active duty member of the armed forces of the United States and 1574
that the person then possesses or has a loaded handgun in the 1575
commercial motor vehicle; 1576

(3) Knowingly fail to remain in the motor vehicle while 1577
~~stopped or knowingly fail to keep the person's hands in plain~~ 1578
~~sight at any time after any law enforcement officer begins~~ 1579
~~approaching the person while stopped and before the law~~ 1580
~~enforcement officer leaves,~~ unless the failure is pursuant to 1581
and in accordance with directions given by a law enforcement 1582
officer; 1583

(4) Knowingly have contact with the loaded handgun by 1584
touching it with the person's hands or fingers in the motor 1585
vehicle at any time after the law enforcement officer begins 1586
approaching and before the law enforcement officer leaves, 1587
unless the person has contact with the loaded handgun pursuant 1588
to and in accordance with directions given by the law 1589
enforcement officer; 1590

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (F) (1) (b) of this section does not apply to the person.

(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:

(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or

is used for agriculture. 1620

(c) The person owns the real property described in 1621
division (F)(2)(b) of this section, is the spouse or a child of 1622
another person who owns that real property, is a tenant of 1623
another person who owns that real property, or is the spouse or 1624
a child of a tenant of another person who owns that real 1625
property. 1626

(d) The person does not discharge the firearm in any of 1627
the following manners: 1628

(i) While under the influence of alcohol, a drug of abuse, 1629
or alcohol and a drug of abuse; 1630

(ii) In the direction of a street, highway, or other 1631
public or private property used by the public for vehicular 1632
traffic or parking; 1633

(iii) At or into an occupied structure that is a permanent 1634
or temporary habitation; 1635

(iv) In the commission of any violation of law, including, 1636
but not limited to, a felony that includes, as an essential 1637
element, purposely or knowingly causing or attempting to cause 1638
the death of or physical harm to another and that was committed 1639
by discharging a firearm from a motor vehicle. 1640

(3) Division (A) of this section does not apply to a 1641
person if all of the following apply: 1642

(a) The person possesses a valid electric-powered all- 1643
purpose vehicle permit issued under section 1533.103 of the 1644
Revised Code by the chief of the division of wildlife. 1645

(b) The person discharges a firearm at a wild quadruped or 1646
game bird as defined in section 1531.01 of the Revised Code 1647

during the open hunting season for the applicable wild quadruped 1648
or game bird. 1649

(c) The person discharges a firearm from a stationary 1650
electric-powered all-purpose vehicle as defined in section 1651
1531.01 of the Revised Code or a motor vehicle that is parked on 1652
a road that is owned or administered by the division of 1653
wildlife, provided that the road is identified by an electric- 1654
powered all-purpose vehicle sign. 1655

(d) The person does not discharge the firearm in any of 1656
the following manners: 1657

(i) While under the influence of alcohol, a drug of abuse, 1658
or alcohol and a drug of abuse; 1659

(ii) In the direction of a street, a highway, or other 1660
public or private property that is used by the public for 1661
vehicular traffic or parking; 1662

(iii) At or into an occupied structure that is a permanent 1663
or temporary habitation; 1664

(iv) In the commission of any violation of law, including, 1665
but not limited to, a felony that includes, as an essential 1666
element, purposely or knowingly causing or attempting to cause 1667
the death of or physical harm to another and that was committed 1668
by discharging a firearm from a motor vehicle. 1669

(4) Divisions (B) and (C) of this section do not apply to 1670
a person if all of the following circumstances apply: 1671

(a) At the time of the alleged violation of either of 1672
those divisions, the person is the operator of or a passenger in 1673
a motor vehicle. 1674

(b) The motor vehicle is on real property that is located 1675

in an unincorporated area of a township and that either is zoned 1676
for agriculture or is used for agriculture. 1677

(c) The person owns the real property described in 1678
division (D) (4) (b) of this section, is the spouse or a child of 1679
another person who owns that real property, is a tenant of 1680
another person who owns that real property, or is the spouse or 1681
a child of a tenant of another person who owns that real 1682
property. 1683

(d) The person, prior to arriving at the real property 1684
described in division (D) (4) (b) of this section, did not 1685
transport or possess a firearm in the motor vehicle in a manner 1686
prohibited by division (B) or (C) of this section while the 1687
motor vehicle was being operated on a street, highway, or other 1688
public or private property used by the public for vehicular 1689
traffic or parking. 1690

(5) Divisions (B) and (C) of this section do not apply to 1691
a person who transports or possesses a handgun in a motor 1692
vehicle if, at the time of that transportation or possession, 1693
both of the following apply: 1694

(a) The person transporting or possessing the handgun is 1695
either carrying a valid concealed handgun license or is an 1696
active duty member of the armed forces of the United States and 1697
is carrying a valid military identification card and 1698
documentation of successful completion of firearms training that 1699
meets or exceeds the training requirements described in division 1700
(G) (1) of section 2923.125 of the Revised Code. 1701

(b) The person transporting or possessing the handgun is 1702
not knowingly in a place described in division (B) of section 1703
2923.126 of the Revised Code. 1704

(6) Divisions (B) and (C) of this section do not apply to 1705
a person if all of the following apply: 1706

(a) The person possesses a valid electric-powered all- 1707
purpose vehicle permit issued under section 1533.103 of the 1708
Revised Code by the chief of the division of wildlife. 1709

(b) The person is on or in an electric-powered all-purpose 1710
vehicle as defined in section 1531.01 of the Revised Code or a 1711
motor vehicle during the open hunting season for a wild 1712
quadruped or game bird. 1713

(c) The person is on or in an electric-powered all-purpose 1714
vehicle as defined in section 1531.01 of the Revised Code or a 1715
motor vehicle that is parked on a road that is owned or 1716
administered by the division of wildlife, provided that the road 1717
is identified by an electric-powered all-purpose vehicle sign. 1718

(7) Nothing in this section prohibits or restricts a 1719
person from possessing, storing, or leaving a firearm in a 1720
locked motor vehicle that is parked in the state underground 1721
parking garage at the state capitol building or in the parking 1722
garage at the Riffe center for government and the arts in 1723
Columbus, if the person's transportation and possession of the 1724
firearm in the motor vehicle while traveling to the premises or 1725
facility was not in violation of division (A), (B), (C), (D), or 1726
(E) of this section or any other provision of the Revised Code. 1727

(G) (1) The affirmative defenses authorized in divisions 1728
(D) (1) and (2) of section 2923.12 of the Revised Code are 1729
affirmative defenses to a charge under division (B) or (C) of 1730
this section that involves a firearm other than a handgun. 1731

(2) It is an affirmative defense to a charge under 1732
division (B) or (C) of this section of improperly handling 1733

firearms in a motor vehicle that the actor transported or had 1734
the firearm in the motor vehicle for any lawful purpose and 1735
while the motor vehicle was on the actor's own property, 1736
provided that this affirmative defense is not available unless 1737
the person, immediately prior to arriving at the actor's own 1738
property, did not transport or possess the firearm in a motor 1739
vehicle in a manner prohibited by division (B) or (C) of this 1740
section while the motor vehicle was being operated on a street, 1741
highway, or other public or private property used by the public 1742
for vehicular traffic. 1743

(3) It is an affirmative defense to a charge under 1744
division (B), (C), or (D) of this section of improperly handling 1745
firearms in a motor vehicle that the firearm was a handgun, that 1746
the handgun had been placed in the motor vehicle by a person 1747
other than the person charged, and that the person charged did 1748
not know or have reasonable cause to believe that the handgun 1749
was in the motor vehicle at the time of the person's conduct 1750
charged under division (B), (C), or (D) of this section. 1751

(H) (1) No person who is charged with a violation of 1752
division (B), (C), or (D) of this section shall be required to 1753
obtain a concealed handgun license as a condition for the 1754
dismissal of the charge. 1755

(2) (a) If a person is convicted of, was convicted of, 1756
pleads guilty to, or has pleaded guilty to a violation of 1757
division (E) of this section as it existed prior to September 1758
30, 2011, and if the conduct that was the basis of the violation 1759
no longer would be a violation of division (E) of this section 1760
on or after September 30, 2011, the person may file an 1761
application under section 2953.37 of the Revised Code requesting 1762
the expungement of the record of conviction. 1763

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B) or (C) of this section as the division existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of division (B) or (C) of this section on or after September 30, 2011, due to the application of division (F)(5) of this section as it exists on and after September 30, 2011, the person may file an application under section 2953.37 of the Revised Code requesting the expungement of the record of conviction.

(b) The attorney general shall develop a public media advisory that summarizes the expungement procedure established under section 2953.37 of the Revised Code and the offenders identified in division (H)(2)(a) of this section who are authorized to apply for the expungement. Within thirty days after September 30, 2011, the attorney general shall provide a copy of the advisory to each daily newspaper published in this state and each television station that broadcasts in this state. The attorney general may provide the advisory in a tangible form, an electronic form, or in both tangible and electronic forms.

(I) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle-

Violation and shall be punished as described in division (I)(1), (2), (3), (4), or (5) of this section:

(1) A violation of division (A) of this section is a felony of the fourth degree.

Violation (2) Except as otherwise provided in this division, a violation of division (C) of this section is a minor

misdemeanor. A violation of division (C) of this section 1793
committed in circumstances in which the offender committed any 1794
other offense while transporting or having the firearm in the 1795
motor vehicle is a misdemeanor of the fourth degree. 1796

(3) A violation of division (D) of this section is a 1797
felony of the fifth degree or, if the loaded handgun is 1798
concealed on the person's person, a felony of the fourth degree. 1799
~~Except~~ 1800

(4) Except as otherwise provided in this division, a 1801
violation of division (E) (1), (2), (3), (4), or (5) of this 1802
section is a minor misdemeanor. Except as otherwise provided in 1803
this division, a violation of division (E) (1) or (2) of this 1804
section committed in circumstances in which the offender 1805
committed any other offense while transporting or having the 1806
loaded handgun in the motor vehicle is a misdemeanor of the 1807
first degree, and, in addition to any other penalty or sanction 1808
imposed for the violation, the offender's concealed handgun 1809
license shall be suspended pursuant to division (A) (2) of 1810
section 2923.128 of the Revised Code. ~~If~~ Regardless of the 1811
circumstances of the offender's conduct, if at the time of the 1812
stop of the offender for a traffic stop, for another law 1813
enforcement purpose, or for a purpose defined in section 5503.34 1814
of the Revised Code that was the basis of the violation any law 1815
enforcement officer involved with the stop or the employee of 1816
the motor carrier enforcement unit who made the stop had actual 1817
knowledge of the offender's status as a licensee, a violation of 1818
division (E) (1) or (2) of this section is a minor misdemeanor, 1819
and the offender's concealed handgun license shall not be 1820
suspended pursuant to division (A) (2) of section 2923.128 of the 1821
Revised Code. A violation of division (E) (4) of this section 1822
committed in circumstances in which the offender committed any 1823

other offense while transporting or having the loaded handgun in 1824
the motor vehicle is a felony of the fifth degree. A violation 1825
of division (E) (3) or (5) of this section committed in 1826
circumstances in which the offender committed any other offense 1827
while transporting or having the loaded handgun in the motor 1828
vehicle is a misdemeanor of the first degree or, if the offender 1829
previously has been convicted of or pleaded guilty to a 1830
violation of division (E) (3) or (5) of this section, a felony of 1831
the fifth degree. In addition to any other penalty or sanction 1832
imposed for a misdemeanor violation of division (E) (3) or (5) of 1833
this section, the offender's concealed handgun license shall be 1834
suspended pursuant to division (A) (2) of section 2923.128 of the 1835
Revised Code. ~~A~~ 1836

(5) Except as otherwise provided in this division, a 1837
violation of division (B) of this section is a minor 1838
misdemeanor. A violation of division (B) of this section 1839
committed in circumstances in which the offender committed any 1840
other offense while transporting or having the loaded firearm in 1841
the motor vehicle is a felony of the fourth degree. 1842

(J) If a law enforcement officer stops a motor vehicle for 1843
a traffic stop or any other purpose, if any person in the motor 1844
vehicle surrenders a firearm to the officer, either voluntarily 1845
or pursuant to a request or demand of the officer, and if the 1846
officer does not charge the person with a violation of this 1847
section or arrest the person for any offense, the person is not 1848
otherwise prohibited by law from possessing the firearm, and the 1849
firearm is not contraband, the officer shall return the firearm 1850
to the person at the termination of the stop. If a court orders 1851
a law enforcement officer to return a firearm to a person 1852
pursuant to the requirement set forth in this division, division 1853
(B) of section 2923.163 of the Revised Code applies. 1854

(K) As used in this section:	1855
(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.	1856 1857
(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.	1858 1859
(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.	1860 1861
(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.	1862 1863
(5) (a) "Unloaded" means, with respect to a firearm other than a firearm described in division (K) (6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:	1864 1865 1866 1867 1868
(i) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.	1869 1870 1871
(ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.	1872 1873 1874 1875 1876
(b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:	1877 1878 1879 1880
(i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in	1881 1882

question either are in separate compartments within the package, 1883
box, or case, or, if they are in the same compartment, the 1884
magazine or speed loader is contained within a separate 1885
enclosure in that compartment that does not contain the firearm 1886
and that closes using a snap, button, buckle, zipper, hook and 1887
loop closing mechanism, or other fastener that must be opened to 1888
access the contents or the firearm is contained within a 1889
separate enclosure of that nature in that compartment that does 1890
not contain the magazine or speed loader; 1891

(ii) A pocket or other enclosure on the person of the 1892
person in question that closes using a snap, button, buckle, 1893
zipper, hook and loop closing mechanism, or other fastener that 1894
must be opened to access the contents. 1895

(c) For the purposes of divisions (K) (5) (a) and (b) of 1896
this section, ammunition held in stripper-clips or in en-bloc 1897
clips is not considered ammunition that is loaded into a 1898
magazine or speed loader. 1899

(6) "Unloaded" means, with respect to a firearm employing 1900
a percussion cap, flintlock, or other obsolete ignition system, 1901
when the weapon is uncapped or when the priming charge is 1902
removed from the pan. 1903

(7) "Commercial motor vehicle" has the same meaning as in 1904
division (A) of section 4506.25 of the Revised Code. 1905

(8) "Motor carrier enforcement unit" means the motor 1906
carrier enforcement unit in the department of public safety, 1907
division of state highway patrol, that is created by section 1908
5503.34 of the Revised Code. 1909

(L) Divisions (K) (5) (a) and (b) of this section do not 1910
affect the authority of a person who is carrying a valid 1911

concealed handgun license to have one or more magazines or speed 1912
loaders containing ammunition anywhere in a vehicle, without 1913
being transported as described in those divisions, as long as no 1914
ammunition is in a firearm, other than a handgun, in the vehicle 1915
other than as permitted under any other provision of this 1916
chapter. A person who is carrying a valid concealed handgun 1917
license may have one or more magazines or speed loaders 1918
containing ammunition anywhere in a vehicle without further 1919
restriction, as long as no ammunition is in a firearm, other 1920
than a handgun, in the vehicle other than as permitted under any 1921
provision of this chapter. 1922

Sec. 2923.18. (A) Upon application to the sheriff of the 1923
county or safety director or police chief of the municipality 1924
where the applicant resides or has ~~his~~ the applicant's principal 1925
place of business, and upon payment of the fee specified in 1926
division (B) of this section, a license or temporary permit 1927
shall be issued to qualified applicants to acquire, possess, 1928
carry, or use dangerous ordnance, for the following purposes: 1929

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine 1930
operators, and other persons regularly employing explosives in 1931
the course of a legitimate business, with respect to explosives 1932
and explosive devices acquired, possessed, carried, or used in 1933
the course of such business; 1934

(2) Farmers, with respect to explosives and explosive 1935
devices acquired, possessed, carried, or used for agricultural 1936
purposes on lands farmed by them; 1937

(3) Scientists, engineers, and instructors, with respect 1938
to dangerous ordnance acquired, possessed, carried, or used in 1939
the course of bona fide research or instruction; 1940

(4) Financial institution and armored car company guards, 1941
with respect to automatic firearms lawfully acquired, possessed, 1942
carried, or used by any such person while acting within the 1943
scope of ~~his~~ the person's duties; 1944

(5) In the discretion of the issuing authority, any 1945
responsible person, with respect to dangerous ordnance lawfully 1946
acquired, possessed, carried, or used for a legitimate research, 1947
scientific, educational, industrial, or other proper purpose. 1948

(B) Application for a license or temporary permit under 1949
this section shall be in writing under oath to the sheriff of 1950
the county or safety director or police chief of the 1951
municipality where the applicant resides or has ~~his~~ the 1952
applicant's principal place of business. The application shall 1953
be accompanied by an application fee of fifty dollars when the 1954
application is for a license, and an application fee of five 1955
dollars when the application is for a temporary permit. The fees 1956
shall be paid into the general revenue fund of the county or 1957
municipality. The application shall contain the following 1958
information: 1959

(1) The name, age, address, occupation, and business 1960
address of the applicant, if ~~he~~ the applicant is a natural 1961
person, or the name, address, and principal place of business of 1962
the applicant, if the applicant is a corporation; 1963

(2) A description of the dangerous ordnance for which a 1964
permit is requested; 1965

(3) A description of the place or places where and the 1966
manner in which the dangerous ordnance is to be kept, carried, 1967
and used; 1968

(4) A statement of the purposes for which the dangerous 1969

ordnance is to be acquired, possessed, carried, or used; 1970

(5) Such other information, as the issuing authority may 1971
require in giving effect to this section. 1972

(C) Upon investigation, the issuing authority shall issue 1973
a license or temporary permit only if all of the following 1974
apply: 1975

(1) The applicant is not otherwise prohibited by law from 1976
acquiring, having, carrying or using dangerous ordnance; 1977

(2) The applicant is age twenty-one or over, if ~~he~~ the 1978
applicant is a natural person; 1979

(3) It appears that the applicant has sufficient 1980
competence to safely acquire, possess, carry, or use the 1981
dangerous ordnance, and that proper precautions will be taken to 1982
protect the security of the dangerous ordnance and ensure the 1983
safety of persons and property; 1984

(4) It appears that the dangerous ordnance will be 1985
lawfully acquired, possessed, carried, and used by the applicant 1986
for a legitimate purpose. 1987

(D) The license or temporary permit shall identify the 1988
person to whom it is issued, identify the dangerous ordnance 1989
involved and state the purposes for which the license or 1990
temporary permit is issued, state the expiration date, if any, 1991
and list such restrictions on the acquisition, possession, 1992
carriage, or use of the dangerous ordnance as the issuing 1993
authority considers advisable to protect the security of the 1994
dangerous ordnance and ensure the safety of persons and 1995
property. 1996

(E) A temporary permit shall be issued for the casual use 1997

of explosives and explosive devices, and other consumable 1998
dangerous ordnance, and shall expire within thirty days of its 1999
issuance. A license shall be issued for the regular use of 2000
consumable dangerous ordnance, or for any ~~nonconsumable~~ 2001
nonconsumable dangerous ordnance, which license need not specify 2002
an expiration date, but the issuing authority may specify such 2003
expiration date, not earlier than one year from the date of 2004
issuance, as it considers advisable in view of the nature of the 2005
dangerous ordnance and the purposes for which the license is 2006
issued. 2007

(F) The dangerous ordnance specified in a license or 2008
temporary permit may be obtained by the holder anywhere in the 2009
state. The holder of a license may use such dangerous ordnance 2010
anywhere in the state. The holder of a temporary permit may use 2011
such dangerous ordnance only within the territorial jurisdiction 2012
of the issuing authority. 2013

(G) The issuing authority shall forward to the state fire 2014
marshal a copy of each license or temporary permit issued 2015
pursuant to this section, and a copy of each record of a 2016
transaction in dangerous ordnance and of each report of lost or 2017
stolen dangerous ordnance, given to the local law enforcement 2018
authority as required by divisions (A) ~~(4)-(7)~~ and ~~(5)-(8)~~ of 2019
section 2923.20 of the Revised Code. The state fire marshal 2020
shall keep a permanent file of all licenses and temporary 2021
permits issued pursuant to this section, and of all records of 2022
transactions in, and losses or thefts of dangerous ordnance 2023
forwarded by local law enforcement authorities pursuant to this 2024
section. 2025

Sec. 2923.20. (A) No person shall do any of the following: 2026

(1) Recklessly sell, lend, give, or furnish any firearm to 2027

any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;

(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;

(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A)(3) or (4) of this section;

(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

~~(4)~~-(7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing ~~him~~ the transferee to be authorized to acquire dangerous ordnance

pursuant to section 2923.17 of the Revised Code, or negligently 2057
fail to take a complete record of the transaction and forthwith 2058
forward a copy of that record to the sheriff of the county or 2059
safety director or police chief of the municipality where the 2060
transaction takes place; 2061

~~(5)-(8)~~ Knowingly fail to report to law enforcement 2062
authorities forthwith the loss or theft of any firearm or 2063
dangerous ordnance in the person's possession or under the 2064
person's control. 2065

(B) Divisions (A) (3), (4), and (5) of this section do not 2066
apply to any of the following: 2067

(1) A law enforcement officer who is acting within the 2068
scope of the officer's duties; 2069

(2) A person who is acting in accordance with directions 2070
given by a law enforcement officer described in division (B) (1) 2071
of this section. 2072

(C) Whoever violates this section is guilty of unlawful 2073
transactions in weapons. A violation of division (A) (1) or (2) 2074
of this section is a felony of the fourth degree. A violation of 2075
division (A) (3), (4), or (5) of this section is a felony of the 2076
third degree. A violation of division (A) ~~(3)-(6)~~ or ~~(4)-(7)~~ of 2077
this section is a misdemeanor of the second degree. A violation 2078
of division (A) ~~(5)-(8)~~ of this section is a misdemeanor of the 2079
fourth degree. 2080

(D) As used in this section: 2081

(1) "Ammunition" has the same meaning as in section 2082
2305.401 of the Revised Code. 2083

(2) "Federally licensed firearms dealer" has the same 2084

meaning as in section 5502.63 of the Revised Code. 2085

(3) "Materially false information" means information 2086
regarding the transfer of a firearm or ammunition that portrays 2087
an illegal transaction as legal or a legal transaction as 2088
illegal. 2089

(4) "Private seller" means a person who sells, offers for 2090
sale, or transfers a firearm or ammunition and who is not a 2091
federally licensed firearms dealer. 2092

Sec. 2953.37. (A) As used in this section: 2093

(1) "Expunge" means to destroy, delete, and erase a record 2094
as appropriate for the record's physical or electronic form or 2095
characteristic so that the record is permanently irretrievable. 2096

(2) "Official records" has the same meaning as in section 2097
2953.51 of the Revised Code. 2098

(3) "Prosecutor" has the same meaning as in section 2099
2953.31 of the Revised Code. 2100

(4) "Record of conviction" means the record related to a 2101
conviction of or plea of guilty to an offense. 2102

(B) Any person who is convicted of, was convicted of, 2103
pleads guilty to, or has pleaded guilty to a violation of 2104
division (B), (C), or (E) of section 2923.16 of the Revised Code 2105
as the division existed prior to September 30, 2011, and who is 2106
authorized by division (H) (2) (a) of that section to file an 2107
application under this section for the expungement of the 2108
conviction record may apply to the sentencing court for the 2109
expungement of the record of conviction. The person may file the 2110
application at any time on or after September 30, 2011. The 2111
application shall do all of the following: 2112

(1) Identify the applicant, the offense for which the
expungement is sought, the date of the conviction of or plea of
guilty to that offense, and the court in which the conviction
occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of
division (B), (C), or (E) of section 2923.16 of the Revised Code
as the division existed prior to September 30, 2011, and that
the applicant is authorized by division (H) (2) (a) of that
section to file an application under this section;

(3) Include a request for expungement of the record of
conviction of that offense under this section.

(C) Upon the filing of an application under division (B)
of this section and the payment of the fee described in division
(D) (3) of this section if applicable, the court shall set a date
for a hearing and shall notify the prosecutor for the case of
the hearing on the application. The prosecutor may object to the
granting of the application by filing an objection with the
court prior to the date set for the hearing. The prosecutor
shall specify in the objection the reasons for believing a
denial of the application is justified. The court shall direct
its regular probation officer, a state probation officer, or the
department of probation of the county in which the applicant
resides to make inquiries and written reports as the court
requires concerning the applicant. The court shall hold the
hearing scheduled under this division.

(D) (1) At the hearing held under division (C) of this
section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of
or pleaded guilty to a violation of division (E) of section

2923.16 of the Revised Code as the division existed prior to 2142
September 30, 2011, and whether the conduct that was the basis 2143
of the violation no longer would be a violation of that division 2144
on or after September 30, 2011; 2145

(b) Determine whether the applicant has been convicted of 2146
or pleaded guilty to a violation of division (B) or (C) of 2147
section 2923.16 of the Revised Code as the division existed 2148
prior to September 30, 2011, and whether the conduct that was 2149
the basis of the violation no longer would be a violation of 2150
that division on or after September 30, 2011, due to the 2151
application of division (F) (5) of that section as it exists on 2152
and after September 30, 2011; 2153

(c) If the prosecutor has filed an objection in accordance 2154
with division (C) of this section, consider the reasons against 2155
granting the application specified by the prosecutor in the 2156
objection; 2157

(d) Weigh the interests of the applicant in having the 2158
records pertaining to the applicant's conviction or guilty plea 2159
expunged against the legitimate needs, if any, of the government 2160
to maintain those records. 2161

(2) (a) The court may order the expungement of all official 2162
records pertaining to the case and the deletion of all index 2163
references to the case and, if it does order the expungement, 2164
shall send notice of the order to each public office or agency 2165
that the court has reason to believe may have an official record 2166
pertaining to the case if the court, after complying with 2167
division (D) (1) of this section, determines both of the 2168
following: 2169

(i) That the applicant has been convicted of or pleaded 2170

guilty to a violation of division (E) of section 2923.16 of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, or that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F) (5) of that section as it exists on and after September 30, 2011;

(ii) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

(b) The proceedings in the case that is the subject of an order issued under division (D) (2) (a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or ~~2923.1212~~ 2923.1213 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the

state treasury and shall pay twenty dollars of the fee into the 2201
county general revenue fund. 2202

(4) At the time an applicant files an application under 2203
division (B) of this section, the following shall apply: 2204

(a) The clerk of court shall notify the applicant in 2205
writing that the court will send notice of any order under 2206
division (D) (2) (a) of this section to the qualified third party 2207
selected by the attorney general under section 109.38 of the 2208
Revised Code and shall inform the applicant of the procedures 2209
under section 109.381 of the Revised Code. 2210

(b) The applicant shall then notify the clerk if the 2211
applicant wishes to opt out of receiving the benefits of having 2212
the court send notice of its order under division (D) (2) (a) of 2213
this section to the qualified third party and having the 2214
procedures under section 109.381 of the Revised Code apply to 2215
the records that are subject to the order. 2216

(c) If the applicant does not opt out under division (D) 2217
(4) (b) of this section, the applicant shall pay to the clerk of 2218
court the fee provided in the contract between the attorney 2219
general and the qualified third party under division (D) (2) (b) 2220
of section 109.38 of the Revised Code. 2221

(5) (a) Upon issuance of an order under division (D) (2) (a) 2222
of this section, and unless the applicant opts out under 2223
division (D) (4) (b) of this section, the clerk shall remit the 2224
fee paid by the applicant under division (D) (4) (c) of this 2225
section to the qualified third party. The court shall send 2226
notice of the order under division (D) (2) (a) of this section to 2227
the qualified third party. 2228

(b) If the applicant's application under division (B) of 2229

this section is denied for any reason or if the applicant 2230
informs the clerk of court in writing, before the issuance of 2231
the order under division (D) (2) (a) of this section, that the 2232
applicant wishes to opt out of having the court send notice of 2233
its order under division (D) (2) (a) of this section to the 2234
qualified third party, the clerk shall remit the fee paid by the 2235
applicant under division (D) (4) (c) of this section that is 2236
intended for the qualified third party back to the applicant. 2237

Sec. 5321.01. As used in this chapter: 2238

(A) "Tenant" means a person entitled under a rental 2239
agreement to the use and occupancy of residential premises to 2240
the exclusion of others. 2241

(B) "Landlord" means the owner, lessor, or sublessor of 2242
residential premises, the agent of the owner, lessor, or 2243
sublessor, or any person authorized by the owner, lessor, or 2244
sublessor to manage the premises or to receive rent from a 2245
tenant under a rental agreement. 2246

(C) "Residential premises" means a dwelling unit for 2247
residential use and occupancy and the structure of which it is a 2248
part, the facilities and appurtenances in it, and the grounds, 2249
areas, and facilities for the use of tenants generally or the 2250
use of which is promised the tenant. "Residential premises" 2251
includes a dwelling unit that is owned or operated by a college 2252
or university. "Residential premises" does not include any of 2253
the following: 2254

(1) Prisons, jails, workhouses, and other places of 2255
incarceration or correction, including, but not limited to, 2256
halfway houses or residential arrangements that are used or 2257
occupied as a requirement of a community control sanction, a 2258

post-release control sanction, or parole;	2259
(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;	2260 2261 2262
(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;	2263 2264 2265 2266
(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;	2267 2268 2269
(5) Orphanages and similar institutions;	2270
(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	2271 2272 2273
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	2274 2275
(8) Occupancy by an owner of a condominium unit;	2276
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	2277 2278 2279 2280 2281 2282 2283
(a) The occupancy is for a period of less than sixty days.	2284
(b) The occupancy is for participation in a program	2285

operated by the facility, or by a public entity or private 2286
charitable organization pursuant to a contract with the 2287
facility, to provide either of the following: 2288

(i) Services licensed, certified, registered, or approved 2289
by a governmental agency or private accrediting organization for 2290
the rehabilitation of mentally ill persons, persons with 2291
developmental disabilities, adults or juveniles convicted of 2292
criminal offenses, or persons suffering from substance abuse; 2293

(ii) Shelter for juvenile runaways, victims of domestic 2294
violence, or homeless persons. 2295

(10) Emergency shelters operated by organizations exempt 2296
from federal income taxation under section 501(c)(3) of the 2297
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2298
501, as amended, for persons whose circumstances indicate a 2299
transient occupancy, including homeless people, victims of 2300
domestic violence, and juvenile runaways. 2301

(D) "Rental agreement" means any agreement or lease, 2302
written or oral, which establishes or modifies the terms, 2303
conditions, rules, or any other provisions concerning the use 2304
and occupancy of residential premises by one of the parties. 2305

(E) "Security deposit" means any deposit of money or 2306
property to secure performance by the tenant under a rental 2307
agreement. 2308

(F) "Dwelling unit" means a structure or the part of a 2309
structure that is used as a home, residence, or sleeping place 2310
by one person who maintains a household or by two or more 2311
persons who maintain a common household. 2312

(G) "Controlled substance" has the same meaning as in 2313
section 3719.01 of the Revised Code. 2314

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.	2315 2316 2317 2318
(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.	2319 2320 2321
(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	2322 2323
(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	2324 2325
(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.	2326 2327
(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	2328 2329 2330
(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	2331 2332
<u>(O) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.</u>	2333 2334
<u>(P) "Subsidized residential premises" means residential premises for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States department of agriculture under the multifamily housing rental assistance program under Title V of the federal housing act of 1949 or receives housing assistance payments under a housing assistance payment contract administered by the United States department of housing and urban development under</u>	2335 2336 2337 2338 2339 2340 2341 2342

the housing choice voucher program, the new construction 2343
program, the substantial rehabilitation program or the moderate 2344
rehabilitation program under section 8 of the United States 2345
housing act of 1937. "Subsidized residential premises" does not 2346
include owner-occupied residential premises of two or fewer 2347
dwelling units. 2348

Sec. 5321.13. (A) No provision of this chapter may be 2349
modified or waived by any oral or written agreement except as 2350
provided in division (F) of this section. 2351

(B) No warrant of attorney to confess judgment shall be 2352
recognized in any rental agreement or in any other agreement 2353
between a landlord and tenant for the recovery of rent or 2354
damages to the residential premises. 2355

(C) No agreement to pay the landlord's or tenant's 2356
attorney's fees shall be recognized in any rental agreement for 2357
residential premises or in any other agreement between a 2358
landlord and tenant. 2359

(D) No agreement by a tenant to the exculpation or 2360
limitation of any liability of the landlord arising under law or 2361
to indemnify the landlord for that liability or its related 2362
costs shall be recognized in any rental agreement or in any 2363
other agreement between a landlord and tenant. 2364

(E) A rental agreement, or the assignment, conveyance, 2365
trust deed, or security instrument of the landlord's interest in 2366
the rental agreement may not permit the receipt of rent free of 2367
the obligation to comply with section 5321.04 of the Revised 2368
Code. 2369

(F) The landlord may agree to assume responsibility for 2370
fulfilling any duty or obligation imposed on a tenant by section 2371

5321.05 of the Revised Code, other than the obligation specified 2372
in division (A) (9) of that section. 2373

(G) (1) A rental agreement for subsidized residential 2374
premises may not contain a provision or impose a rule that 2375
requires a person to agree, as a condition of tenancy in the 2376
residential premises, to a prohibition or restriction on the 2377
lawful ownership, use, or possession of a firearm, a firearm 2378
component, or ammunition within the tenant's specific rental 2379
dwelling unit. A landlord may impose reasonable restrictions 2380
related to the possession, use, or transport of a firearm, a 2381
firearm component, or ammunition within common areas as long as 2382
those restrictions do not circumvent the purpose of this 2383
division. A tenant shall exercise reasonable care in the storage 2384
of a firearm, a firearm component, or ammunition. The 2385
restriction set forth in this division is separate from, and in 2386
addition to, the restriction set forth in division (C) (3) (b) of 2387
section 2923.126 of the Revised Code. 2388

(2) If a landlord brings an action to enforce a provision 2389
or rule prohibited under division (G) (1) of this section, a 2390
tenant, tenant's household member, or tenant's guest who is or 2391
would be affected by the enforcement may recover actual damages 2392
sustained by that tenant, tenant's household member, or tenant's 2393
guest and, in addition to the actual damages, court costs, and 2394
reasonable attorney's fees. 2395

(3) Except in cases of willful, wanton, or reckless 2396
misconduct or grossly negligent conduct of the landlord, a 2397
landlord is not liable in a civil action for injury, death, or 2398
loss to person or property or other damages resulting from or 2399
arising out of an occurrence involving a firearm, a firearm 2400
component, or ammunition that the landlord is required to allow 2401

on the property under division (G)(1) of this section. 2402

(4) Divisions (G)(1) to (3) of this section do not apply 2403

with respect to, limit, or affect any prohibition or restriction 2404

that is required by any law, rule, or regulation of this state 2405

or the United States. 2406

Section 2. That existing sections 9.68, 307.932, 2307.601, 2407

2901.05, 2901.09, 2923.11, 2923.12, 2923.126, 2923.16, 2923.18, 2408

2923.20, 2953.37, 5321.01, and 5321.13 and section 2923.1212 of 2409

the Revised Code are hereby repealed. 2410